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Eric D. Smith  
*University of Tennessee - Knoxville*

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To the Graduate Council:

I am submitting herewith a dissertation written by Eric D. Smith entitled "The Origins of a War of Secession: A Comparison of Namibia and Botswana." I have examined the final electronic copy of this dissertation for form and content and recommend that it be accepted in partial fulfillment of the requirements for the degree of Doctor of Philosophy, with a major in Political Science.

Yang Zhong, Major Professor

We have read this dissertation and recommend its acceptance:

Robert Gorman, Anthony Nownes, Michael McKinney

Accepted for the Council:

Carolyn R. Hodges

Vice Provost and Dean of the Graduate School

(Original signatures are on file with official student records.)

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Dean of the Graduate School

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**The Origins of a War of Secession:  
A Comparison of Namibia and Botswana**

A Dissertation Presented for  
the Doctor of Philosophy  
Degree  
The University of Tennessee, Knoxville

Eric D. Smith

August 2007

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## ACKNOWLEDGEMENTS

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Finally, I would like to thank my wife and family, without whom I would have long ago resigned myself to lesser goals.

## **ABSTRACT**

This work is an attempt to define a comprehensive contemporary model of the causes of wars of secession, state and illustrate its gaps, and develop new theories to accentuate and improve that model, and through comparative case studies perform some elementary tests of their validity. My theoretical paradigm is dependent on an assumption that the ultimate causes, as captured under the rubric of institutions and structures, of an event involving rational but free-willed human beings are inadequate to explaining the onset of radical, extraordinary politics in general and wars of secession in particular. On the contrary, proximate causes, in the form of environmental factors that cannot be classified structural or institutional and which are either deeply influenced by elite decisions or deeply influence elite decisions must be brought into the theoretical chain.

Specifically I examine the case of Namibia, focusing on the East Caprivi region where in 1999 a substantial portion of the Lozi population attempted to secede, comparing it to the case of Botswana and another minority, the Kalanga people who dominate the North East District. I find that the two states are (1) structurally and institutionally similar, to the point that were these the only causal factors involved one would assume they would suffer similar behavioral outcomes, (2) divergent in terms of minority political identities and degrees of mobilization, and (3) divergent in terms of a series of internal and external environmental decision that cannot be described as structural or institutional.

## **DEDICATION**

This research is dedicated to the honor of my loving father, Wilbur Smith, who made me a scientist and a historian, and my loving mother, Margaret Gatherum Smith, who made me a theologian and a philosopher. I love you both, and I miss you Mom.



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## ABBREVIATIONS

ACP.....	Africa, Caribbean, Pacific Group
BDP.....	Botswana Democratic Party
BPF.....	Barotseland Patriotic Force
CANU.....	Caprivi African National Union
CIA.....	Central Intelligence Agency (US)
CICDM.....	Center for International Development and Conflict Management
CLA.....	Caprivi Liberation Army
ComSec.....	Commonwealth Secretariat
COW.....	Correlates of War
CRHRP.....	Country Reports on Human Rights Practices
DTA.....	Democratic Turnhalle Alliance
EC.....	European Commission
EFTA.....	European Free Trade Association
EU.....	European Union
GDP.....	Gross Domestic Product
IIDEA.....	International Institute for Democracy and Electoral Assistance
MAR.....	Minorities at Risk
MP.....	Member of Parliament
MID.....	Militarized Interstate Dispute
NBC.....	Namibian Broadcasting Corporation
OIF.....	<i>Organisation Internationale de al Franophonie</i>
OPC.....	Ovamboland Peoples Congress
SACU.....	Southern African Customs Union
SFTF.....	State Failure Task Force
SPIL.....	Society for the Promotion of the Ikalanga Language
SWAPO.....	South West African People's Organization
UN.....	United Nations
UNHCR.....	United Nations High Commissioner on Refugees
UNITA.....	National Union for the Total Independence of Angola
US.....	United States

# CHAPTER I

## INTRODUCTION AND SUMMARY

This work is intended to be a first step, a baby step in the direction of improving our ability to predict and or explain the onset of a particular type of violent conflagration – wars of secession. Accordingly, this process will consist of several key points. First, I discuss the literature on the causes of wars of secession and other related forms of violent, radical civil disputes. This literature will specifically include a review of the major theories regarding the causes of revolution, wars of secession, civil wars, genocide/politicide, regime-type changes, and ethno-national wars, as well as a review of the literature on the causes of radical religious-political movements. From this literature I will create a model of the causal chain leading from a state of peace to one of civil war with the aim of secession. This model will consist of two key parts. First, one built on the existing literature regarding the causes of wars of secession, focusing specifically on the structural and institutional elements thereof, and second, one built on additional necessary steps that are widely assumed to exist but which are, in contemporary literature, on touched upon in a highly limited form. I then conduct a simple comparison of two states, Namibia and Botswana, which are *structurally* and *institutionally* extraordinarily similar, in order to demonstrate that structural and institutional causes are insufficient (that is to say not entirely deterministic) to predict the relevant behavioral outcome. Finally, I conduct a series of comparisons

which are explicitly not structural or institutional in their theoretical grounding, comparisons which will be drawn from the other causal links I assert are present in the road to wars of secession.

## **Justification of Research**

It may be argued that the causes of the Caprivi war are simple in the extreme – the war, like all examples of radical, extraordinary politics, resulted from a long-disenfranchised people being activated for a short time by a charismatic leader. That said, that simple statement, like so many simple statements, hides far more complex truths. “Long-displaced people” refers to the structural and institutional conditions to which the people of Caprivi are subject – the state of civil war, ethnic war, war of secession, religious war, and revolutionary war prediction, as it exists now, focuses almost exclusively the vectors of analysis associated with these conditions. Right now we can predict with 60-70% accuracy which states are likely to experience a civil conflict using only these for a period of, say, a decade – nothing to sniff at, but nothing really to crow about either. The point that these conditions are seized upon by a charismatic leader, while common-sense, is I believe the key to unlocking the remaining 30-40% of the predictive process, specifically concentrating on two points. First, I want to know why leaders decide war is irrational on one day and rational on the next – is this a product of structural and institutional changes or, as I believe, the product of changes in extra-

national actors' policies and internal actors' policies? Second, I want to know if there is some way to gauge the effectiveness of these charismatic leaders at using their charisma, that is to say in terms of recruitment, not to mention their effectiveness at mobilizing non-human resources.

In addition, I am interested in whether or not it is disenfranchisement that matters or human awareness of said disenfranchisement. Why did the Japanese serfs not overthrow the samurai for centuries? Why did poor Southern whites come to believe they were disenfranchised by Northerners, rather than rich Southern whites? Why did the Age of Revolutions in Europe fall fast on the heels of what we might call the industrialization of mass education? Ultimately, I believe it is because the structures and institutions themselves, frankly, do not matter in determining the onset of radical, extraordinary politics in general or wars of secession in particular. On the contrary, I believe that such structures and institutions only matter if a substantial group of people believe them to matter, and further, if a charismatic leader both is capable of and desires to take advantage of said perspective.

Perhaps this is a complex way of dealing with a simple question, but often the scientific project must deal with political situations in fundamentally different ways than policy advisors – were I of the latter ilk I would merely recommend killing Muyongo and, if possible, “enfranchising” the Caprivi Lozi. That said, if you asked me why, I would have to delve into the details of the matter. I see the difference as being similar to that which exists between any

scientist, such as a physicist or a chemist, and the typical practitioner, for instance a plumber or an electrician.

### *Structuralism and Institutionalism: Necessary But Insufficient*

The vast majority of political, economic, and social scientific efforts to predict and/or explain the onset of political violence, civil war, ethnic war, wars of independence and, of particular relevance here, wars of secession, and other radical forms of civil disturbance whose aims include the systematic and wholesale transformation of an entire political-economic system (radical, extraordinary politics), have employed one of two general types of logic. On the one hand some theorists assert that it is formal institutions and legal constitution of states that results in either stability or upheaval. This approach is known as the institutionalist approach and while it was a favorite in classical, pre-behavioralist social science, it is once again gaining adherents, though now with a distinctly behavioralist bent. The advocates of the other major approach to predicting and/or explaining the onset of radical, extraordinary politics assert that it is informal social (and political-economic) structures that are the principal source of stability or instability. These structures, which are in essence are simply enduring patterns of behavior that have not been enshrined in law or treaty but which shape the rationality of persons subsumed in those structures, and institutions are distinguished from one another almost exclusively by their variant levels of formality or because of the “real” nature of some structures (e.g. structure of economic geography)



comparative to the wholly artificial nature of all institutions (that is to say constructed through human intention).

These traditions have accomplished one essential and absolute scientific good. They have allowed social scientists to classify states as either likely or unlikely to engage in radical, extraordinary politics, including wars of secession, and have given us the beginnings of a spectrum along which to lay different states. While efforts to fully amalgamate all the strands of radical, extraordinary political theory into a single model are rare, a few efforts have been made, notably the State Failure Task Force, or SFTF. The SFTF can, it claims, “predict” around 70% of all variant forms of rebellion. What they mean by predict, however, is assert that within a period of a decade or so a state is likely to undergo a violent political upheaval whose goal is to radically transform or divide society. While this is a significant and impressive accomplishment, substantial accuracy remains to be accomplished, both in terms of classification and in terms of precision of predicting the timing of upheavals.

I believe that at least part of our remaining predictive and explanatory weakness lies in our failure to successfully consider rationality in all its dimensions. Institutional and structural approaches to the prediction of radical, extraordinary politics are based on the fundamental premise that the conditions human beings are in alter predictably human rational self-interest. This being the case, if we understand the structural and institutional conditions, we can predict those instances in which rebellion of variant types

(specifically herein cases of wars of secession) is a rational political behavior. This concept is at the core of all forms of human behavioral prediction, of course.

What the institutionalist and structuralist approaches fail to do, however, is consider the actions or logic of the disestablishmentarian elites who ultimately will be performing the cost-benefit-risk calculations, deciding whether or not to pursue open, violent dissent. We know that the decision process of elites is affected by environmental factors (personal, local, national, and international) that can be classified neither as structural nor institutional.

Additionally, we know that elites cannot keep their rationale to themselves and foment instances of radical, disestablishmentarian politics such as wars of secession. Elites must transfer their logics, if in a sanitized form, to many other people: the masses who will actually commit the acts of violence for the elites, peer elites who must be convinced to close ranks, and extranational actors who can serve as potential allies or resource wells. It should be possible, in other words, for us to gain a greater sense of whether elites have decided to pursue radical, extraordinary politics through the analysis of disestablishmentarian elite-mass relationships, mass and resource mobilization, and the relationships and communications between disestablishmentarian elites and national and international elites.

In other words, my goal is to highlight the fact that there social scientist examining the causes of violent civil disruption should be examining

immediate or *proximate* causes of said disruption in conjunction with those causes examined by virtually all orthodox theorists, specifically the *ultimate* causes. This will necessarily result in more complicated models, but if this complication is the price of improved explanation then I believe that it should be paid.

This method will not, of course be perfect. A notable blind spot will remain in the realm of states who exercise brinksmanship, for instance. However, when employed in association with institutional and structural methods, analyses over time of elite communications could improve our ability to predict the exact timing of radical, extraordinary politics.

Institutionalist and structuralist methods will reveal to us which states are ripe for rebellion and what type(s) of rebellion are most likely. Measurements of transformations in public identity, transformations in the legality of the political-economy, transformations in disestablishmentarian capabilities, and transformations in the substance of elite communication should provide us with the benchmarks as to when domestic upheavals, such as the war of secession being studied here, are most likely to occur.

On a final note, it is worth stating that the orthodox application of the structuralist and institutionalist approaches consistently bear the biases most explicitly advocated by neo-Realists but present in a host of theoretical traditions – the bias of state-centrism. For structuralist-institutionalists, at least in practice, it is the statistics, legal framework, and socio-cultural patterns at the state-level of analysis that matters. I take substantial issue

with this, however, as it denies the fundamental nature of disestablishmentarian movements. These movements (which I describe as radical, extraordinary politics below), specifically are instances in which the framework of the state is under siege – to rebel in any sense is to reject the state and its apparatus and to begin the process of establishing a counter-state. As such we must expect that there are fundamentally important happenings at the sub-state (and perhaps extra-state) level in the case of every disestablishmentarian movement. My approach, while not denying the validity of the structuralist and institutionalist approaches, tries to bring in the necessary non-state actors into the predictive and explanatory process.

## **On Radical, Extraordinary Politics**

Later in this work I will define at length the concept of wars of secession relative to several other similar but distinct variants of political behavior. Prior to this, and my literature review, I would like to define a few concepts that I will use throughout this work to refer to the genre of political behaviors of which wars of secession are but one species. This will consist of defining two key spectra of behavioral variation. The first of these is the spectrum that lies between ordinary and extraordinary politics, the second of these is the spectrum that lies between moderate and radical politics.

Defining the nature of the first of these spectra is relatively easy. Ordinary politics, as a term, refers to politics that take place within the generally accepted and formal order – they are rule-based. I choose the term

ordinary not out of any subjective or moralistic impulse but because of the root concept underlying the term ordinary – beyond implying normalcy, “ordinary,” which shares its origins with both the terms “ordinance” and “order,” implies normalcy as defined by a set of rules. Normalcy, then, is subjective – it is the orthodoxy, the reigning set of legal guidelines (no matter how elementary) by which political and economic transactions within a political-economy may take place. Extraordinary politics, then would be those political-economic transactions within a political-economy that take place, as the prefix “extra-“ implies, outside of the orthodox institutional framework. Corruption, graft, crime, espionage, underground movements, riots, and, of course, rebellions of all types fit this latter category.

Before moving on, it should be noted that this spectrum is one in which contemporary theorists of international relations should feel quite comfortable. The implication is that a society, at one extreme, that of fully ordinary politics, experiences the full comfort of the state, whereas “states” (if they can be called that) at the other extreme roil in Hobbesian anarchy, perfect freedom to act with all the costs and benefits therein. In interstate relations, as interstate regimes proliferate and complex hegemony expands, the shift in pattern is towards that of ordinary politics – the system is becoming more, for lack of a better word, state-like. In states wherein the orthodox political and economic rules are virtually meaningless, such as China in the early 20<sup>th</sup> Century or present-day Somalia, the system has become increasingly anarchic, leading

to the development of what can only be called a microcosm of the interstate system within a state, complete with warring pseudo-states.

Setting this spectrum aside, briefly, let the focus shift to that which lies between moderate and radical politics. On one end of this spectrum lie those forms political-economic behaviors and transactions whose ends are, to put it simply, moderate in end – they seek only incremental transformation and advantages, in particular those advantages to be gained within the contemporaneous political-economic orthodoxy. On the other extreme are radical politics, political-economic behaviors and transactions whose ends are the extreme transformation of the contemporary political-economic system.

These two spectrums may seem identical at first, and indeed, they are related, particularly as they share a similar characteristic – the defining of political behaviors and transactions with regards to orthodoxy. But, whereas one of the spectrums define group behaviors according to what proportion of these behaviors are rule-abiding, the other defines them according to what degree they seek to transform the orthodoxy and how quickly they seek to do so.

We may see these spectrums as perpendicular to each other, intersecting, so that all possible political behaviors and transactions may be divided into four general categories: ordinary, moderate politics; ordinary, radical politics; extraordinary, moderate politics; and extraordinary, radical politics. Ordinary, moderate politics are those politics which both abide by orthodox rules and which seek to achieve their ends within the orthodox

political-economic institutional arrangement. Ordinary, radical politics are those politics which abide by orthodox rules but, in doing so, seek to radically transform the nature of the political-economic orthodoxy (e.g. one man, one vote, one time scenarios or communist parties that focus on electoral victory in democratic states).

Extraordinary, moderate politics are those politics which seek immediate, limited political-economic gains through means unsanctioned or even directly opposed by the orthodox political-economic institutions (e.g. pirate radio, corruption, vote-rigging, and so forth). Finally, Extraordinary, radical politics are those politics which seek radical transformations in the political-economic orthodoxy and which use unsanctioned or forbidden political means to accomplish these ends. It is this genre which my literature review will focus on, and, intriguingly, it is this genre which holds, in gross terms, the fewest instances (even if the impact of these instances is vastly disproportionate to its frequency).

Before continuing, I should make a note on two types of political behavior that may be considered difficult to classify, specifically coups and pacifistic civil disobedience. The first of these presents a problem because, like wars of secession and other types of radical disestablishmentarianism, it is violent and extraordinary action, however the changes sought are rarely radical in terms of reorganizing the nature of the orthodox political-economy. Rather, coups, or what are properly called coups, are those rebellion whose aim it is to install a new ruler or new rulers into an already extant institutional

arrangement. Thus, more properly, coups should be classified as an extraordinary, moderate politics – an extreme form bordering the line between moderate and radical politics, but nonetheless functionally across that line.

With regards to peaceful resistance, as utilized by such great figures as Martin Luther King, Jr. and Mahatma Gandhi, we are presented with a different problem, indeed, and indeed, one more difficult to resolve. Here is an instance in which organizations seek to radically transform the orthodox political-economy through the knowing violation of the orthodox institutional order, yet unlike most variations of extraordinary, radical politics, this variant is explicitly non-violent, emphasizing soft power, or influence, over hard power, or coercion. This is problematic. I would classify this unusual outlier type of behavior as being radical, ordinary politics bordering on radical, extraordinary politics for one particular reason. Those persons who utilize nonviolent civil disobedience are completely aware of the reigning orthodox rules and do not seek to overturn them. Rather, they seek to utilize inconsistencies in the application of those rules as a means of mobilizing support via the conscious violation of those rules, being fully prepared to accept any consequences, be they what they may.

## **Variance Among Disestablishmentarianisms: Definitions**

Having described the unifying characteristics of all radical, extraordinary politics, I would like to briefly expound on the variant natures of the different



genre of those politics. I do this not merely as an idle exercise, but as part of an effort to reinforce my notion of the socio-historically specific nature of each instance of radical, extraordinary politics once the conditions have developed that encourage them—in other words I intend to define the differences in order to strengthen my characterization of the similarities.

### *Mass Socio-Political Extermination*

It is possible to conceive of genocides as ethnic wars in which extreme means are employed. Similarly, we can consider democides and mass politicides to be particularly extreme revolutions. This possibility throws into doubt the utility of classifying genocides and their kin as a unique genre of radical systemic transformation. There are, however, compelling arguments to the contrary.

In the first place, mass exterminations, for this is in effect what genocides, democides, and mass politicides are, do not merely vary in terms of extremity of means, they vary radically so. Mass political exterminations utterly cast aside the concept of “non-participant,” even more so than in the case of total interstate war or popular revolutions. Strategic targets are indistinguishable from any other environmental element associated by the perpetrating group or groups with the victim group or groups. The goal is not merely to destroy the capacity to resist, but to destroy the enemy entirely. As Harff and Gurr (1988, 360) note, “if unarmed civilians are deliberately and

systematically killed, even if they support an opposition group (rebels), then the event is a genocide).”

This attitudinal shift in terms of means is, however, merely a symptom of an even more extreme shift. The ends of genocide and other forms of mass political extermination are substantially different from other forms of radical systemic transformation. The goal of genocidal transformation is not conceivable in traditional terms of redistributing power or goods through either the establishment of a new order of exploitation and control or through the (utopian) elimination of such an order. Rather, mass political extermination seeks to utterly and absolutely eliminate a contending faction. In some cases this is legitimated based on a warped principle of self-defense, in others on a principle of *lebensraum* and inter-societal competition, and in yet others it is simply a question of vengeance and hatred. In all cases there is probably an undercurrent of political-economics as well—consider that mass political extermination leads to an immediate and observable increase in employment opportunities as well as resource and infrastructure density *per capita*.

### *Revolutions*

Revolution is usually defined in reference to the degree of penetration it actually affects in society, polity, and economy. True revolutions are those instances of radical systemic transformation in which the organization, legitimacy base, identity structure, and so on of a given system are wholesale transformed. They are totalitarian by their very nature—attempting holistic

reform and reorganization. By their completion, in other words, the social order and reigning social patterns should be almost wholly distinct from their predecessor.

The State Failure Task Force's definition of revolutions amalgamates multiple types of radical political behavior into a single concept. Revolutions are, in the words of the SFTF, "Episodes of sustained violent conflict between governments and politically organized challengers that seek to overthrow the central government, to replace its leaders, or to seize power in one region" (Goldstone *et al.* 2000, V). I divide this definition into three sub-classifications based on the different 1) socio-historical conditions prior to the initiation of the radical, extraordinary political events, the 2) political-economic-social ends sought by the initiating party (defined in terms of the above socio-historical conditions and the relevant interplay of identities), and 3) the means acceptable to the achievement of the new order.

Revolutions, then, come about when the entire political-economic-social system is considered to be extraordinarily ineffective and/or immoral. The result is that the conceptualization of the system as a whole is believed to be untenable, requiring wholesale transformation. Usually this sort of change has occurred either in response to the appearance of an entirely new ideology which is perceived to either add an entirely new dimension to previous conceptions of justice (e.g. the appearance of new religions, such as Christianity or Islam, the appearance of new specifically political ideologies, such as liberalism or Marxism, or the appearance of entirely new legitimacy

paradigms, such as nationalism or universal human rights) or the utter failure of the orthodox system (and its ideology) to fulfill the needs of its people when alternative ideological paradigms are available. Therefore, to utilize the phrasing of the SFTF, a revolution is: an episode of violent conflict between governments and politically organized challengers that seek to overthrow the socio-political-economic system as a whole.

I am not entirely satisfied with this definition, in large part because of its insistence on violent conflict, on the one hand, and its insistence that the revolutionary faction is never an element of the government. To the contrary, low-violence and/or government(-faction)-initiated revolutionary action that is based on the same degree of totalistic discontent and the same extremity of ends, not only happens, but happens at a greater frequency in the modern world than ever before.

Consider, for instance, top-down revolutions, those orchestrated revolutions in which actors who are already members of elite classes (sometimes single-handedly, sometimes in alliances) within a political-economic-social system seek to transform the system radically. Relationships between and among classes, values, and favored methods and technologies are reengineered and dictated by elites in an orchestrated and methodical fashion.

In the case of most (if not all) orchestrated revolutions, not all elite classes need be included—many are ultimately eliminated, disenfranchised, replaced, assimilated, or simply disempowered. Therefore clashes are not

unlikely in top-down revolutions, consider for instance the clashes between Black Army and the traditionalist members of the *samurai* class during the Japanese Imperial Restoration and the Meiji Reformation, however such violence tends to be limited in scope and breadth relative to that experienced in bottom-up revolutions.

Additionally, in the instance of “silk revolutions,” elites recognize and rationally assess their situation, one of widespread discontent and little chance or in some instances, desire, to mobilize resistance against the revolutionary movement and come to the conclusion that open violence will either be unconscionable or simply unprofitable. Revolutionary transformation then moves ahead with relatively low conflict. Of course, silk revolutions may involve relatively low levels of violence—consider, for instance the assassination of the ruling family of Romania during the Revolution of 1989, or virtually no violence, as in the case of the Georgian “Orange Revolution,” wherein the formal political structure remained intact, but the *effective* political structure changed dramatically, with Russian suzerainty being cast-off (followed immediately by the radical strengthening of legitimate political institutions), but even in the former case the economy of violence is tapped only sparingly, often to the point of allowing many former elites to retain substantial formal influence, though in substantially changed roles.

When the term revolution is bandied about, it is the popular revolution that usually springs to the imagination. These revolutions are bottom-up,

meaning that the primary impetus is derived from non-elites, political-economic middle- and/or lower-classes, within the systems that experience them. By virtue of this fact, popular revolutions usually are believed to have the greatest potential for extreme radicalism—the goal of popular revolutions, after all, is either to elevate a new (usually large and often undereducated) class or set of classes into power or to “level” all classes, eliminated distinctions. The expectation is that popular revolutions are not merely a shift in regime species, already a radical jump, but indeed in regime class—or at least in theory. Religious states become radically secular, monarchies become republics or democracies, slave-states become nation-states, and so forth. Generally four revolutions are regarded as model “popular” or, as Skocpol (1976a, 1976b, 1979) calls them, “social revolutions”: the French, Russian, Chinese, and Iranian Revolutions.

Finally, imperialist revolutions are those revolutions that are the product of outside conquest or threat of conquest intentionally forcing radical, wide-ranging transformation. Granted, many imperialistic ventures are not revolutionary—their effect on the day-to-day course of life is relatively minor. Consider, for example, those various empires that demanded nothing more than tribute from their subservient populations. However in order for an imperialist power to exploit a subservient power there must be an appropriate and adequate infrastructure (political, social, and physical) in place to guarantee that resource acquisition and market penetration can continue apace at acceptable cost and risk levels. This often necessitates enormous

transformation—sometimes done through socialization and training, sometimes through ad-campaigns, and sometimes through coercion and even slavery.

### *Civil Wars*

To define civil wars I return to the above-mentioned State Failure Task Force's definition of revolutions (Goldstone *et al.* 2000, V). For this second of three sub-classifications based on, again, the different 1) socio-historical conditions prior to the initiation of the radical, extraordinary political events, the 2) political-economic-social ends sought by the initiating party (defined in terms of the above socio-historical conditions and the relevant interplay of identities), and 3) the means acceptable to the achievement of the new order, I emphasize differences in terms of goals and depth. Civil Wars, I assume, are those wars in which the system is not holistically and totalistically rejected. Rather, I assume that sizable elements of that system are rejected, necessitating either the establishment of a new government or the splitting of governments based on pragmatic or explicitly political (as opposed to ethno-cultural, economic or social means). Therefore our formal definition may be: an episode of sustained violent conflict between governments and politically organized challengers that seek to overthrow the central government or to seize power in one region.

Before going on to discuss civil wars at more length, I would like to note that the contemporary definition is flawed in a similar manner to that

previously given for revolutions. Radical civil transformation may take place without open bloodshed or with relatively low amounts of bloodshed.

Consider, for instance, the “Velvet Revolution” in Czechoslovakia—there the political transformation was significant but there was no violent upheaval.

Continuing, civil wars may be described (Type-I) as that kind of civil war in which most of the vertical power structure remains largely untouched but in which a new group or coalition of groups takes over key political positions. If successful then regime-type changes, but the immediate implications for those outside of the former ruling group or the new ruling group are limited. For instance, the wars for control of the Roman Empire following the death of Julius Caesar had enormous connotations for the nature of the political system, but non-elite Roman society and economy would only gradually feel the impact of those wars much later—once the nature of the Imperium had substantially evolved.

Civil wars of the second type (Type-II), in contrast, are those civil wars in which active efforts are taken to transform some, though rarely if ever all, vertical power structures. What separates Type-II civil wars from revolutions is their acknowledged interest in transforming the existing social and/or economic systems. While some transformations may occur, there is usually not an explicit move to change any or many of the fundamental rules of society or economy, with the key exception of the ultimate consequences implicit in acts of political emancipation. Consider, for instance, the American Civil War. The war’s key accomplishments were both explicitly political. On



the one hand, the central (Federal) government's predominance over the various states was firmly established, beginning a Federalization snowball-effect that continues to this day. On the other hand the concept of slavery was abolished and Americans of African decent were made full citizens of the Union. Yet capitalism remained the dominant paradigm, as did American individualist democratic-republicanism—even the overall economic patterns of the American South remained largely unchanged for nearly a century—economic emancipation for minorities in the United States was slow to evolve.

I will spend little time on wars of independence—virtually any definition I could give would be tautological—beyond saying that these wars are attempts to establish a new *political* system while retaining substantial elements of the economic and social culture. Indeed, in many wars of independence literally the same basic type of government may be adopted by the new state (assuming it successfully becomes independent).

Revolutionary wars of independence, that is to say wars that are both autonomous and totalistically radical, I consider simply revolutions—the radical nature of revolutions may easily allow separatism as a key, ideological concept—especially in those revolutions which are nationalistic in nature.

Another variant of radical, extraordinary politics is simple imperialism. While revolutionary imperialism seeks to radically transform the socio-political-economic landscape of the exploited people, simple imperialism instead seeks only to gain profit from the exploited people at the lowest possible cost and risk. The existing political structure, for instance, may be

kept *in toto*, for instance, adding merely an additional level of oversight or tax collection. On the other hand, the government may be replaced, but with a structure that affects the lives of average people in virtually the same fashion as the previous government.

### *Ethno-National War*

I am hesitant to classify ethno-national warfare in its own genre, but I bow to the literature's emphasis on a particular trait of this type of domestic upheaval. Ethno-national conflicts are explicitly about gaining goods, political, economic, or social, for a group (or depriving a group of them) based entirely on identity. Sambanis (2001, 261) provides a utilitarian definition built on the work of Max Weber, Horowitz (1985), and Kaufmann (1996), stating that he understands, "ethnic war as war among communities (ethnicities) that are in conflict over the power relationship that exists between those communities and the state." Alternatively, the SFTF asserts that "ethnic wars" are, "episodes of sustained violent conflict in which national, ethnic, religious, or other communal minorities challenge governments to seek major changes in status," (Goldstone *et al.* 2000, V) usually meaning they are seeking 1) a change in the degree of enfranchisement and/or access to the economic system, 2) increased cultural freedoms, 3) autonomy, or 4) independence.

My personal problem with this conceptualization is that it demonstrates an unwillingness to deal with issues of identity and ideology without cultural bias. I believe that the secular bias of modern (and post-modern) behavioral,

social, and psychological scientists has led them to believe there is a radical break between identities which are humanistic, nationalistic, and or universalistic on the one hand (that is to say secular and modern) and those which are religious or *ethno*-nationalistic on the other. Yet the similarities between those ideologies that lay claim to “philosophical” bases and those which claim “theological” or “natural” bases are manifest. In both instances most people accept the principles of their identities and their normative systems *on faith*, not based on personal consideration or analysis. Furthermore, secular humanist ideologies tend to employ concepts and symbols that are totemistic and traditionalistic regardless of their claims—consider how akin to religious furor is the camaraderie of Communists, the indignation of Fascists, and the adoration of principles among liberals. The rights, morals, and conceptions of justice and injustice in these modern systems of thought have no more basis in *fact* than do religious or naturalistic systems. They are, in essence, the same.

My doubt as to whether ethno-national violence deserves its own categories, rather than simple recognition as one set of lines/identities along which fractionalization is likely to occur, as in the case of secular ideologies, is built on two premises. First, ethno-national and religious conflicts are capable of the entire range of policy options that other ideologies are—revolution, civil war, and mass extermination. Second, the distinction between ethno-national and non-ethno-national versions of these events at the theoretic level is, ultimately, only this: ethno-national conflicts are ethno-

national. In other words, the division between ethno-national and non-ethno-national conflict is (scientific) ideological bias, not empirically-derived rationale—to say ethno-national violence is the product of ethnic discrimination and not ideological discrimination is only to explain why one identity is the favored rallying point.

### *Where Are All the Wars of Secession?*

Having developed this taxonomy, the reader will be left with a significant conundrum – where are wars of secession? This is a conundrum, the product of the weaknesses inherent in any taxonomy. Some radical systemic transformations deny easy classification, either because they do not fit into any general category or because they straddle the lines between two or more taxonomic groups, sharing functional characteristics among them. Consider the American Revolution, for instance. Alternatively known as the American War of Independence, it exhibits characteristics of a revolution and an ethno-nationalist secessionist movement. I suspect that on closer examination many, if not most, instances of radical, extraordinary politics are equally problematic.

When we speak of wars of secession, therefore, we must assume that elements of at least two taxonomic categories of radical, extraordinary politics are present in the conflagration. First, wars of secession are necessarily revolutions – independence radically alters political-economic relationships, concentrating power into fewer hands, and often into hands that previously

had little or no power. Second, wars of secession are necessarily ethno-nationalist in that they hinge on issues of identity (regardless of whether or not ideology is a *formal* legitimizing concern).

In a final note, I had earlier mentioned that the SFTF definition of revolutionary war (Goldstone *et al.* 2000, V) should be subdivided into three sub-classifications, and I went on to discuss two of those. The third, which I have not included, is the concept of the coup (read “Episodes of sustained violent conflict between governments and politically organized challengers that seek to . . . replace its leaders . . .” [V]). The concept of coup, or at least what one might call a “simple coup,” has been left out of this categorization intentionally. Simple coups do not attempt to change the social order, nor do they attempt to displace one *type* of leader for another type of leader. They do not involve the transformation of values, identities, beliefs, or even methods. In other words, simple coups do not change regime types—rather, simple coups replace likes with likes (Brinton 1952, 3-4; Blanksten 1962, 72; Tanter and Midlarsky 1962, 265). Kings are replaced with kings, emperors with emperors, and dictators with dictators. This state of affairs is, theoretically speaking, roughly similar to the standard circumstances prevailing in functioning democracies or through planned accession in autocracies—regime type remains the same, the contemporary bureaucratic structure remains intact, and the lives of the average resident of the state remains largely unaffected by elite machinations in both cases. Thus coups are not radical, extraordinary politics – they are moderate, extraordinary

politics – surprising, perhaps, but rational. Also, this definition indicates that the popular use of coup as a synonym for civil war and revolution (which themselves are not synonymous) is a gross misnomer.

## **Case Study: The Caprivi Lozi**

I have chosen to center this research project on the Caprivi Lozi of Namibia and their attempted secession in 1999. While I will review their history in detail below I would like to briefly review the reasons I have decided to study this particular people and incident.

(1) There has been little, if any, formal political science research on either the Caprivi Lozi or their 1999 rebellion. Simply entering the facts surrounding this event into the formal literature has scientific warrant.

(2) The experiences of the Caprivi Lozi mirror one of the most common forms of violence in the post-colonial world, sub-Saharan African or otherwise. Ethno-cultural groups that once were politically independent were forced into a nation-state system in which they are divided and/or permanently confined to minority-hood – a problem in developed, liberal states, but often a serious threat in illiberal developing states. They crave political independence or autonomy and re-alliance with now disparate kith and kin, and in the face of discriminatory and unsuccessful political-economies, the prospect of fighting to accomplish these goals seems acceptable if for no other reason than the (relatively) low risks.

(3) The Lozi people, while themselves not an English-speaking people, reside primarily in either the former British Empire or the former holdings of South Africa – in all of these states English, while not the dominant language, is fairly common and growing more so. This presents a distinct advantage to the contemporary researcher as it means that substantial numbers of texts, including mass media sources, are readily available, especially through internet sources.

(4) Namibia (and Botswana) is among those states to which social scientists, both academic and from intergovernmental organizations (IGOs) are flocking as they become more open following the series of revolutions, some peaceful, some less so, that rocked the world from 1989 through the 1990s. This means that the 1999 rebellion is one of the first to take place in the post-Cold War period – a point that makes it a potential lodestone for coming events.

### *History*

The story of the East Caprivian war of secession, or rather their attempted secession, begins in the centuries before Europeans began integrating interior sub-Saharan Africa into their world-system during the 19<sup>th</sup> Century. Prior to this point a people known as the Lozi ruled a wide area in southern Africa, centering around the Zambezi River basin and those rivers feeding it. The Lozi, it should be noted, carried numerous markers which made them candidates for a rapid transition from a traditional political system

into a national system had they not been colonized – their system of government included a monarchy, they shared a common language (though dialect differences among different tribes were significant, the dialects remained mutually intelligible), and though they lacked highly defined borders, their territories had fairly well defined frontiers, though of course most local and regional authority was vested in tribal leaders (chiefs) who had their own military capabilities. The Lozi leaders, however, did not have the opportunity to adapt to Western advances since their initial contact with them led almost immediately to conquest (as opposed to more successful reactions, such as those of Japan, Thailand, or Ethiopia), and so the Lozi kingdom, known to Westerners as Barotseland and the Lozi themselves as Itenege, quickly lost their autonomy.

This situation would have been inflammatory enough for the Lozi had they been conquered by a single Western power, yet even this was not the case. The lion's share of Lozi population and territory was originally annexed by the United Kingdom in the region of Northern Rhodesia which now composes Zambia, though some were also found in the territory now known as Botswana, formerly known as Bechuanaland. Other Lozi were isolated in the eastern territories of then Portuguese Angola and in the western regions of Southern Rhodesia, now known as Zimbabwe. Southeast of the annexed territories was the region of South-West Africa (*Deutsch-Südwestafrika*), a German colony annexed during the period 1883 to 1884. In 1890 German diplomats, seeking easy access to the Zambezi River and their eastern



territories conferred with the British and annexed what was later known as the Caprivi Strip, a peninsula of territory that extends for over 400 kilometers from the northwest corner of what may be described as mainland Namibia, touching the westernmost point of Zimbabwe (they ceded, in exchange, a small island in the North Sea and rights to the island of Zanzibar to the British). The western region of Caprivi was and remains populated mainly by Khoi/San peoples, popularly known as bushmen, whose low level of technology and minimalist political-economy (based on hunting, gathering, and some herding) allowed them to be displaced first by black African émigrés from central Africa and ultimately by white Europeans in all but the most hostile (and undesirable for settled agrarians) environments. Eastern Caprivi, on the other hand, was populated by herding, village-based Lozi-speaker.

The division of the Lozi people was to become more complicated only a generation later with the First World War. During the course of this war South Africa came to possess South West Africa. After the war South West Africa was granted as a protectorate to South Africa – this remained the status quo until 1946 when South Africa asserted that South West Africa was henceforth an inseparable part of South Africa against international protests. This move was essential because it removed any pretense of South West African autonomy, including self rule of any type by Germans, Ovambo, Lozi, Herero, or San peoples. The South African government began instituting the policies of apartheid throughout the region eventually to become Namibia,

including its rigid form of racial discrimination and the establishment of homelands into which out of favor ethnic groups were isolated.

By the late 1950s a movement known as the Ovamboland Peoples Congress (OPC) had emerged in Cape Town, South Africa among Ovambo peoples (who constitute the majority in Namibia) who had sought education or work in city. This movement, which originally sought to negotiate Namibian independence, soon became dominated by individuals who felt independence would come only through violent resistance and in 1960 the OPC morphed into SWAPO (the South West Africa Peoples Organization). SWAPO's leaders consciously began developing a para-government and substantial military capabilities under the tutelage and with the support of the major Communist powers. SWAPO was not the only paramilitary organization emerging in the late 1950s and early 1960s. A similar, if smaller movement had already begun emerging among Caprivi Lozi named the Caprivi African National Union (CANU) – in 1964 this movement merged with SWAPO under, at least as the Caprivi Lozi leadership understood it, the principle that independence for Namibia meant independence for the Lozi. Lozi support was apparently seen as essential because soon after SWAPO began openly opposing South African forces in South West Africa former CANU leader Mishake Muyongo became vice-president of the organization and a trusted confidant of Sam Nujoma, later the first president of Namibia.

SWAPO's resistance to South Africa was limited for most of the 1960s and early 1970s – its lack of any territory to fall back upon and use as a stable

base of operations is usually given as the reason for its limited impact during this period. That said, in 1974 the situation changed dramatically, much to the advantage of SWAPO insurgents. Specifically, the Portuguese lost control of their African territories in this year, leading the collapse of any semblance order in Angola, which of course shares a several hundred mile border with South West Africa/Namibia (much of which includes the Caprivi Strip). The re-intensification of the Namibian war of independence leads the United Nations Security Council and the International Court of Justice to reiterate previous calls for South Africa to respect the rights of the Namibian people and grant independence to the region. In 1977 South Africa agreed in principle to Namibia's right to independence, but also began attacking SWAPO forces from their positions in Angola, again without United Nations mandate, and SWAPO's resistance again became largely oriented towards mere survival.

In the meantime a new party had emerged in Namibia, the Democratic Turnhalle Alliance (DTA). This organization also sought independence for Namibia from South Africa, but advocated doing so in a conservative, non-violent fashion and with Western, rather than Communist, support. Soon thereafter, citing ethnic discrimination in SWAPO (favoritism for Ovambo over other ethnicities) Muyongo and the leadership of CANU split with SWAPO and join the DTA as members of the Caprivi Alliance Party (CAP). Some Caprivi Lozi continue to support Sam Nujoma and SWAPO at the time, but by the conclusion of the early 1980s, however, most remaining Caprivi members

of SWAPO either defected to the DTA or have sought amnesty with the South West African government, again citing discrimination among the Ovambo leadership of the larger body. Eventually, in 1985, the CAP and CANU are completely merged into a single body, the United Democratic Party, which remains allied with the DTA and under the leadership of Muyongo.

In the late 1980s two key transnational events occur which radically alter the interstate situation. (1) First, United States helps broker a peace agreement in Angola, setting a timetable for the withdrawal of Cuban troops from the region. (2) Secondly, the government of South Africa finally concedes to international demands for Namibian independence and a timetable is established for the withdrawal of their forces from the region, as well as the establishment of elections. No specific concessions are made to the interests of Caprivi Lozi.

In the first elections that preceded Namibian independence SWAPO won, though with less than 2/3<sup>rd</sup>s of the vote, requiring they bring in other parties in the construction of the constitution. The DTA joins the negotiations, but DTA supporters still participate in limited political violence throughout the country. Ultimately, however, a relatively stable democracy is established by 1991, though at no point since have Caprivi (or other minorities) ceased to assert that SWAPO, which has further consolidated power since, is fair in its distributive policies.

### *SWAPO, the CLA, and Post-Colonial Africa*

The 1990s were a time of relative stability in Namibia as the new government was consolidated and democratic practices began to proliferate throughout the state. Most reports on East Caprivi note it only as a place with relatively higher crime than the majority of Namibia. The Minorities at Risk Project (MAR) does note that the Namibian organization the National Society for Human Rights released a report in 1997 stating that the government did discriminate against minorities of Namibia, including the San and Lozi-speaking people of Caprivi, but this stands out as an exceptional report. Truth be told, the Caprivi Lozi people barely appear in news reports until the very late 1990s.

1998, however, that was to be a watershed year for the Caprivi Lozi. First, the UDP withdraws from the DTA because Muyongo is ousted without the consultation of UDP leaders. The effect is to render Muyongo both more defensive and more free to pursue his ultimate goal – independence for the Caprivi Lozi from Namibia. The DTA's move seems to be a product of its discovery that Muyongo and his chief ally, Mafwe Chief Boniface Mamili, have been pursuing several policies designed to support Caprivi independence with or without Namibian support, including meeting with South African supporters, meeting with Zambian Lozi (of the Barotse Patriotic Front or BPF), recruiting member to a potential rebel government and army, and building weapons caches. This specifically contradicted both the DTA's goals

of gaining concessions for minorities through peaceful means and retaining the territorial integrity of Namibia. Of course, as soon as the DTA ejected Muyongo from its ranks his activities became the focus of national attention. President Nujoma immediately rejected any possibility of negotiation and Muyongo, Mamili, and their allies to be enemies of the state, leading to an exodus of somewhere between 2,000 and 3,000 Caprivi Lozi into Botswana which, after holding the partisan leadership for only a few days released them into loosely monitored refugee camps where they continued their recruitment until migrating to Zambia and/or Angola for training and further arming. While the Mafwe supported the movement elites from the other Caprivi Lozi provided little support, insisting they had not been consulted by Muyongo.

Soon thereafter the Botswana state and the UNHCR jointly decided to try to defuse the situation in East Caprivi by sending the major leaders of the rebellion to a third-party state – Denmark volunteers to provide sanctuary for some of these leaders – but this will prove ineffective at preventing the outbreak of violence (even if it probably does substantially decrease Caprivi morale and strategic and tactical capabilities – in other words, it did not decrease the odds of war, but it did decrease the odds of victory).

In the meantime the Namibian government has declared Mamili's throne vacant and decides to enthrone a friendly commoner. This action is opposed by most Caprivi Lozi and most especially those of the Mafwe tribe, reinforcing in their eyes the justice of Muyongo and Mamili's efforts. Nujoma

also uncategorically denies that at any point it was SWAPO policy to guarantee Caprivi independence upon Namibian independence.

In the meantime UNITA, which had abandoned the 1994 Lusaka peace accords in 1998 (citing violations of the accord by People's Movement for the Liberation of Angola), had begun lending its support to Caprivi secessionists who, rather than falling back on the old CANU have formed the CLA, or Caprivi Liberation Army. UNITA provides training but, even more importantly, armaments, to CLA rebels. The CLA leadership, however, recognizes that its resources are relatively small. It knows it will need to capture key strategic goods (notably communications, transportation, and military/police centers) extremely quickly or it will lack the capabilities necessary to keep their rebellion going long enough to (1) gain international attention and (2) convince Lozi both within and without Caprivi that the risk of participation is worth acting upon, in other words, that the conflict is winnable.

### *The East Caprivi Rebellion*

This of course did not happen, but had the police and military stations of Katima Mulilo fallen in the first few hours of the conflict the CLA's other strategic targets would have almost definitely fallen. That being the case, the odds then that UNITA and the BPF would have taken a more active part in the conflict and that recruitment among Caprivi Lozi would have increased substantially would. This potentially could have resulted in one of several domino effects:

(1) The conflict may have spread to Zambia and parts of Botswana and Angola, leading to a transnational war that probably would have linked up with other intrastate movements, most notably in Angola and the Congo region. This would have probably spread the tremendous instability of western and central Africa into southern Africa, potentially sparking ethnic wars across the region (as minorities recognized an opportunity to rebel in strength and took advantage of the influx of weapons into states' interiors – most likely this would have occurred in Namibia, Botswana, Zambia, and possibly Zimbabwe), widespread refugee movements, and possibly civil wars (especially in already unstable Zimbabwe).

(2) The Namibian government would have had to prepare a far more substantial assault, resulting in either international outcry or far more death and general destruction (through massive assault, extreme refugee movements, or prolonged siege).

In both of these scenarios, two key points stand in common, both of which have similar consequences. First, had the Caprivi rebels succeeded in accomplishing their initial goals, then the conflict would have lasted longer temporally and second, had they so succeeded then the conflict would have been more evenly matched and therefore more intense. Both of these outcomes would lead in turn to greater international attention (probably



ultimately to the benefit of the Caprivi Lozi) and a greater chance that the Caprivi Lozi would be able to accomplish their goal – independence.

The impact of independence for the Caprivi Lozi should be understood as regional and not merely local or national. In the first order, other Lozi would then have a base of operations and support from which to draw in pursuit of their own self-governance. In the second order, minorities in Namibia would have a modeled behavior that would undermine the central government's control, possibly leading to numerous other ethnic conflicts – of course, this effect would also likely extend to other states in the region as well –most notably Zambia and Botswana. In the third order, this could reiterate the point made by Eritrea earlier in the decade – that the standing rule since the end of European colonialism, “thou shall not change the colonial borders” is no longer the standing rule in Africa. Each violation of this principle has the potential to egg on ethnic dissent and violence, of course, given that virtually every African state is both multinational and has ethnicities that are transnational. The fear is that a single well-organized ethnic rebellion in sub-Saharan Africa could inspire wave after wave of separatism, ravaging the continent and leaving behind hundreds of tiny states incapable of sustaining sovereignty – a transnational revolution on the scale of the Revolution of 1989 without the “happy ending.”

If we were to ask ourselves for a further justification of this conflagration is worth studying, then, we would find ourselves asking two key points. First, this situation demonstrates the importance of understanding the

conditions preceding the onset of an event from the perspective prior to the event, rather than the outcome of the event. To rephrase, the precipitation of an event is the product of perceived possible outcomes (which generally must be substantial) rather than the actual outcome. Sadly, our ability to predict the onset of violence is usually colored by the bias of outcome, which is of course a substantially different vector – we tend to limit our cases under analysis in terms of scope or scale at the conclusion of the event, which ultimately is arbitrary if our goal is to explain the onset of violence, rather than the ultimate outcome of violence.

### *Summary*

The last century and a half of the Caprivi Lozi's history have been characterized by four periods: independence, conquest and division, South African dominion, and minority status in a modern, post-colonial nation-state. The vast majority of this time the Lozi people have been a subject people of sorts, either explicitly (as under German colonialism and South African apartheid) or functionally (as a can-never-win-a-majority minority). As a product of this and East Caprivi's strategic location (with particular regard to its geographic proximity to Angola and the Zambezi basin) it has long been the subject of both intentional and unintentional structural, and often "real," violence. That said, the structural violence originally led to a sort of fidelity between the majority Ovambo and minority Lozi as both sought the overthrow of South African overlordship throughout the Twentieth Century, with Lozi

winning numerous elite positions in both the socialist SWAPO and more Western-oriented groups, such as the DTA. It was not until the independence was achieved for Namibia and Lozi elite expectations of some level of self-rule were denied that Lozi leaders finally decried cooperation with the Ovambo and began to seek the means to force such concessions – a period at which attempted violent secession did not become inevitable, but certainly became probable, and it is at this period that structures and institutions cease to provide us with extraordinary utility and at which we must begin searching for proximate causes that do not fit within the structural-institutional rubric.

## **Case Study: The Kalanga**

I have chosen to employ the Kalanga as a control group here for several specific reasons:

(1) The Batswana Kalanga, like the Namibian Lozi, have a well-defined homeland, despite decades of out-migration (particularly, in both cases, to the surrounding territories and their respective national capitals), that has highly defined boundaries that were recognized first under colonial administrators and later under their respective independent states.

(2) Both the Batswana Kalanga and Namibian Lozi have populations which are both relative and absolute minorities (the former constituting around 9.6% of the Batswana population, the latter around 1.2% of the Namibian population) (Gordon 2005).

(3) The Batswana Kalanga and Namibian Lozi were both parts of independent states (respectively Mambo and Intege/Barotseland) prior to the colonial depredations of the late 19<sup>th</sup> Century (*Economist* 1999A).

(4) Both the Batswana Kalanga and the Namibian Lozi are minorities in their countries who share cross-border ties to ethnically similar peoples who are also minorities in their states, but whose populations far outweigh those of the Batswana Kalanga and the Namibian Lozi. In the case of the Batswana Kalanga, their peer group are the Kalanga of Zimbabwe, whereas in the case of the Namibian Lozi, their peer group are the Lozi of Zambia.

In essence, I do this for two reasons. First, I hope to have, whenever possible, counter examples that either strengthen or effectively dismiss my hypotheses. Secondly, I believe that a key flaw underlying the structural and institutional approaches, as utilized most frequently, lies in their emphasis on the state-level of analysis to the exclusion not only of the individual level of analysis, but further the level of analysis of intrastate actors – most relevant

here, of course, being the disestablishmentarian organizations and the relevant identity groups at large.

## **Methodology**

I will employ a relatively simple methodology throughout this research.

Specifically, I will be testing my hypothesis that there are non-institutional/structural proximate causes that, though currently ignored in most of the contemporary social, economic, and political scientific literature, are empirically observable and measurable. While later studies might employ a multinational statistical or semi-statistical analysis on a global or regional scale, I have decided to focus instead on developing a multi-stage, most-similar-states comparative case study for my initial study. I do this not as much out of a desire for simplicity as much as in recognition of the tremendous scope of comparison necessary to demonstrate that the states are structurally and institutionally as similar as is realistically conceivable – I compare for similarity traits that span the entire arc of the social scientific kingdom.

More precisely, the research to follow may be categorized in the following way:

- (1) A description of the contemporary, orthodox model with regards to the genesis of radical, extraordinary politics with specific reference to wars of secession;

- (2) A further development of the theoretical model by bringing in research on mobilization and non-structural/institutional choice limiting boundaries;
- (3) Elaboration on the state-level structural and institutional similarity of Namibia and Botswana, demonstrating that there are empirical reasons to expect that the model requires methodological improvement;
- (4) A series of comparisons of Namibia and Botswana with emphasis on resource and personnel mobilization as a precursor to secession;
- (5) A series of comparisons of Namibia and Botswana with emphasis on non-structural/institutional environmental factors that affect the likelihood non-dominant identity groups of those states will attempt secession;
- (6) A conclusion in which I will suggest further development of the subject matter, both in terms of case studies and quantification (if possible) of the research, as well as the possible practical implications of this research in particular and its possible intellectual descendents.

My approach is partly inspired by the work of Hedström and Swedberg (1996) who take great pains to demonstrate that over dependence on easily quantifiable vectors has led social scientists to seek correlations first, rather than conducting theory-driven work, which has resulted in a theoretical

paucity. In the case of radical, extraordinary politics, including the wars of secession which are here my focus, this has led to a sort of theoretical myopia. At one end of the orthodox spectrum like structural and institutional determinists, their theories largely derived from Marxist, Malthusian, and Neo-Realist premises, and at the other lie those theories which acknowledge the methodological individualism and agree that humans, particularly elites, do have a genuine causal role to play in the determining whether radical, extraordinary politics occur or not, but who practically do not consider non-structural or institutional vectors. What I hope to do is to bolster our theoretical and practical knowledge through the application of non-institutional and non-structural measures, most of which are derived theories on the role of elites in conflict genesis.

### *Operationalizations*

In this study I have almost uniformly employed relatively simple forms of comparison – generally simple statistical comparisons (when possible with Chi-Squared tests for strength of similarity/divergence), but also simple comparisons of the legal framework of the two states and some basic socio-historical comparisons. The sources of my research material are all readily available to anyone who wishes to confirm their validity with access to an internet connection at home or through a library. With regards to my statistical research, the lion's share was derived from the United States Central Intelligence Agency's (CIA) *World Factbook*, regarded as one of the most

reliable sources of statistical data on a transnational scale, and the Afrobarometer survey project, a relatively young but incredibly extensive and intensive project that aims at recreating the success of the Eurobarometer project in sub-Saharan Africa. Overwhelmingly I employed CIA *World Factbook* when I sought political or economic data and the Afrobarometer when I sought opinion data or data on the quality and availability of infrastructure and services.

Of course, these were not the only quantitative resources I employed. These include:

- (1) For the Gini Index data I consulted the United Nations' (UN) *2005 Development Program Report*;
- (2) For information on the depth and scale of urbanization in the studied states I consulted the UN 2001 *World Urbanization Prospects* report, the Socioeconomic Data and Applications Center's Gridded Population of the World and Global Rural-Urban Mapping Project, and Frayne and Pendleton's 2002 paper "Mobile Namibia: Migration Trends and Attitudes";
- (3) For ethnolinguistic data I consulted the UN 2004 *Common Country Assessment*, Gordon's *Ethnologue* project, and the Center for International Development and Conflict Management's (CIDCM) Minorities at Risk (MAR) project;
- (4) For data on international trade I also turned to the "Building the Capacity of ACP Countries in Trade Policy Formulation,



Negotiations and Implementation” project, more commonly known as the “Hub-and-Spoke Project,” and a joint project of the European Commission (EC), the Commonwealth Secretariat (ComSec), the Organisation Internationale de la Francophonie (OIF), and the Africa, Caribbean, Pacific Group (ACP);

(5) For data on militarized interstate disputes (MIDs) I took data from the Correlates of War (COW) project;

(6) finally, for information on displaced persons and refugees I turned to the Statistical Yearbooks of the United Nations High Commission on Refugees (UNHCR) and the 2001 “Country Reports on Human Rights Practices” published by the United States Department of State (Bureau of Democracy, Human Rights, and Labor).

My analysis of the political institutional arrangement was almost entirely derived from legal and functional comparisons of the constitutions of Namibia and Botswana (see Appendices I and II). I did use a few other sources to add roundness to my analysis, particularly in the realm of civil rights – notably data from the United States Department of State’s Bureau of Democracy, Human Rights, and Labor’s *Country Reports on Human Rights Practices* (CRHRP), the Polity IV project, the International Institute for Democracy and Electoral Assistance (IIDEA), and figures on the level of female equality from the UN Development Programme.

My socio-historical comparisons was built on two major genre of sources. On the one hand, I researched major regional and international English-language newspapers. This entailed three major phases of research. First, I reviewed every article from 1997 to 1999 in *The Namibian* (the major, independent English-language newspaper of that state) in which the Caprivi region was mentioned, using an embedded Google search engine to review the archives. Second, I used Lexis-Nexis to review every article which mentioned the Caprivi region over the same period of time in the major newspapers of Southern Africa, specifically *The Post of Zambia*, *The Sunday Times*, *The Times of Zambia*, *The Zimbabwe Independent*, *The Zimbabwe Standard*. Third, I used Lexis-Nexis to review several international news sources/services, specifically the Associated Press, the Cable News Network (CNN), *The Christian Science Monitor*, *The Economist*, Gannett Service, the Inter Press Service *The New York Times*, and Xinhua News Agency.

My other major source of socio-historical work, particularly with regards to the Kalanga of Botswana, was the research literature of the anthropological and sociological fields – in particular Richard Werbner's work in (2002, 2004) "Cosmopolitan Ethnicity, Entrepreneurship and the Nation: Minority Elites in Botswana" and the groundbreaking *Reasonable Radicals and Citizenship in Botswana: The Public Anthropology of Kalanga Elites*, but secondarily van Binsbergen's (1994) "Minority language, ethnicity and the state in two African situations: the Nkoya of Zambia and the Kalanga of Botswana" in *African Languages, Development and the State*.

Specifically, my comparisons sought to demonstrate a two key points. First, Botswana and Namibia are so structurally and institutionally similar that, according to the orthodox theories to be discussed at much length below, their behavioral outcomes should be identical (specifically that if one has experienced the onset of radical, extraordinary politics in the form of a minority-driven attempted war of secession, both should have). That is to say that the ultimate causal environment and history of the two states, specifically in terms of their structural and institutional characteristics, while not identical (an impossibility) are highly similar and regular. Secondly, that the proximate causes of the war of secession are substantially divergent that it may be inferred that the variation between Namibia and Botswana's relevant minorities (specifically the Lozi and Kalanga) is the product of said variations. By proximate causes I mean several vectors of analysis gleaned identity theory and several theories of elite roles in the onset of wars of secession. In particular I will be comparing for divergence of symptoms of both alienation and elite mobilization including self-identification (value and identity entropy and re-identification), mobilization of personnel and resources, and the development of alternative political-economies, as well as for non-structural, non-institutional environmental factors that I hypothesize would directly affect the rational calculus of minority elites, specifically changes in interstate support, the appearance of valid exit strategies in the event of secession failure, and bounds set by internal, establishment elites.

## *On Identities and Loyalties*

The first question I will consider is, simply, are members of the relevant identity group shifting their personal identity and loyalties towards a disestablishmentarian identity relative to the orthodox/dominant identity? The validity of this principle is manifest and requires little discussion. Consider the American Revolution, for instance. This war of secession was largely fought by three parties, two of which were allied. On the one hand was the dominant power, the British forces *from Britain*. Allied with there were North American colonists who *continued to identify themselves as British*. And, of course, opposing these two groups, who believed (rightly or wrongly) that they constituted a single, valid new identity were those North American colonists who had become convinced *they were Americans*, or more obliquely, *not British*. Wars of secession, whether ethnic or not, necessarily require both a reiteration of the rebelling group's identity in and of itself *and* relative to the dominant/ruling group's identity.

While there are several potential methods of operationalizing this vector of analysis, two extremely straightforward methods exists in this case. First, data on self-identity from the Afrobarometer surveys of Namibia can be compared to that on Botswana. In essence, Afrobarometer asks those persons it surveys whether they identify themselves primarily as members of the nation-state in which they reside or whether they primarily utilize a

different identifier – for instance a minority ethnicity or a religious identity when conceptualizing their group-of-first-allegiance.

Comparisons of this data can be made on two levels. First, I will use the same source to determine if there is a divergence between the degree to which identity and value entropy have pervaded the system, or more accurately, the consciousness of the people of the state in particular.

Secondly, on the state level, in which we can compare the frequency of “Namibianism” to the frequency of “Batswanaism” to determine if, following the state-level orientation of structuralists and institutionalists, variation exists at a high-level. Secondly, and perhaps more tellingly, using cross-referenced Afrobarometer data we should be able to isolate data from Caprivi (specifically, data acquired from persons surveyed in Caprivi) and compare it to data from the Kalanga-dominated North East District of Botswana.

#### *On the Genesis of an Alternative, Unsanctioned Political-Economy*

Are members of the relevant identity group being weaned off of the orthodox political-economy as an alternative political-economy is developed? This is my second question. Specifically, this is constituted by the development of effective black and gray economies and polities. Black and gray economies are central because they deprive the state of resources which could be used to continue to dominate the relevant identity group, as well as allow the state a key capacity: the ability to withhold those resources and/or services. Black and gray polities are central because they not only deprive the state of

essential legitimacy, but furthermore decrease the costs and risks of rebellion for participants or passive supporters.

This operationalization presents one obvious and key problem – it seeks to uncover evidence of political and economic systems whose members explicitly seek to remain hidden from formal authorities. The logical assumption, then, is that if the supporters of black and gray economies and polities are at all effective (and we can assume they were in Namibia at the time, given that they managed to allow the acquisition of adequate material to allow for the development of the Caprivan revolt), they will remain largely hidden from public purview.

Our goal, then, should not to seek open admissions of the existence of such systems – if they exist, they will likely originate from authorities who are biased against their targets and will like as not have a vested interest in either underestimating or overestimating the size of said markets. What we can do, however, is look for secondary markers that such systems exist.

Another marker should be the level of corruption in a state. From this perspective, corruption plays a different role than that generally supposed by structuralists and institutionalists. For them, corruption is a sign of injustice and of the unequal distribution of resources, and therefore destabilizing by supporting widening and deepening resentment and alienation, wealth concentration, and political mismanagement – all of which are valid assertions. However, at this stage in the causal chain, corruption plays an additional role – it provides disestablishmentarian elites with additional

“doors”, means and methods of moving personnel, hiding, acquiring and selling resources, and so forth. Disestablishmentarian elites will often seek to either support or harness corruption in the bureaucracy and government of the state in order to create room for the development of their alternative political economy. Thus, we would expect to see in Namibia in general, or at least in Caprivi, higher levels than in Botswana (or in the Central District). There are numerous potential resources for this data, including Transparency International and the Internet Center for Corruption Research’s Corruption Perceptions Index, and again Afrobarometer. I have elected to favor the Afrobarometer survey here for a few key reasons, however. First, while Transparency International’s Corruption Perceptions Index is well respected and has the advantage of allowing non-natives to survey the states, the number of persons surveyed for Third-World states is extraordinarily small – only four for Botswana and three for Namibia in 1999 – calling into serious doubt the validity of those findings. Secondly, Afrobarometer survey has a particularly high utility in this regard, specifically because its surveys are not limited to the state-level. Quantitative comparisons would be expected to reveal that Namibia’s level of corruption is higher and therefore its black and gray political-economy is more robust, providing the Caprivi rebels with a substantially increased capacity.

### *On Personnel Mobilization*

Another question which remains to be asked is, simply, are members of the relevant identity group being recruited into political and/or military positions?

In most cases, including the Namibian experience, this realm of analysis will be necessarily limited to post-violence explanation – prediction is highly unlikely *for academics* because to acquire this information is likely to necessitate powerful and effective intelligence resources. This said, I intend to review major regional and local newspapers (English-language, with particular emphasis on *The Namibian*) for references both to the number of recruits and the primary occupations of those recruits. While the gross data may give us some information (on the proportion of Caprivi who were willing to engage in the act of rebellion), data on the rebels' occupations will provide likely explanations of the recruitment patterns. By this I mean, specifically, what groups of people were recruited early and which later by the original cadre. This inquiry is, of course, necessarily one-dimensional – since no such rebellion has taken place in Botswana we cannot hope to find relevant data on the recruitment therein.

### *On Resource Mobilization*

Beyond recruitment and personnel mobilization, which we have addressed above, another, question we might ask is whether or not disestablishmentarian political elite, at minimum, are acquiring the physical



resources necessary for warfare? Most explicitly this refers to weapons, but ultimately this sort of analysis might also include other such infrastructure, including communications, transportation, and field medical equipment.

This operationalization, is again, a difficult one since again it is rational to assume that disestablishmentarians will attempt to hide their progress. This limits us, by and large, to a historical (explanatory but not predictive) review of journalistic communications, with the possible exception of captured material, for instance if weapons caches are captured or if shipments are interdicted. While this measure is imperfect, frequent interdiction and capture of material will like as not hint at very high levels of resource development acquisition, given that relatively poor states with highly porous borders are simply incapable of very of high levels of interdiction *relative* to the total quantity of contraband available – if one doubts this, consider the size of illicit interstate arms and drug markets in developed states with similar democratic restraints. Of course, in order to establish comparability, similar frequency searches will be conducted for both the Caprivi and Kalanga peoples.

### *Interstate Support for Secession*

First, does it appear that international support, diplomatic and/or material, for secession will be forthcoming? If the international community engages in actions and/or communications which make them believe that support for their cause is forthcoming then they will likely recalculate the costs, benefits, and risks involved in rebellion in such a way that such action is more likely

than otherwise. This is dependent on two key factors. On the one hand, the contemporary interstate system is built at least partially on humanistic concerns. Rebels may believe that they can manipulate this impulse in such a way that, in order to decrease the suffering of their own relevant population, interstate actors will support independence over the maintenance of the contemporary interstate order and identities. On the other hand, in a far more *realpolitick* vein, there are, in every state system, states which recognize that by supporting such movements they have the ability, on occasion, to change their own position in the interstate system.

Specifically, I intend to construct a history of Caprivi rebels in the period immediately preceding the revolution with specific reference to both their relationship with other states and intergovernmental organizations, as well as relevant extra-territorial non-state actors with political, military, or economic capabilities of consequence. I will specifically be looking for indications that real support (in terms of material, arms, territory, troops, and so forth) has been offered and/or given or that rhetorical support has been offered and/or given. International communications which frame the Caprivi situation in a favorable light, particularly from other Lozi-speaking groups, sub-Saharan African states, the United Nations, the African Union, or the great powers are of particular significance.

Additionally I intend to perform a wide review of the history of the post-Cold War reactions of the international system to similar situations to determine if the Caprivi leadership may have been led to expect a radically

different international response to their rebellion, particularly if the Namibian state's response had not been as powerful, single-minded, and frankly effective.

#### *On Risk Alleviation: Exit-Strategies*

Second, do the elites have a valid exit strategy should they fail? This measure may seem to be in dialectic opposition with the earlier assumption that the state has ultimately backed rebels into a corner, guaranteeing that they no longer have any ability to pursue, via official, peaceful means, the ends of political independence or increased self-rule, but that is not the case. The former speaks to the inability of disestablishmentarian elites to acquire more power *without risk*, whereas this vector speaks of the ability of elites to pursue more power *while decreasing* (personal) *risk*. The difference is perhaps subtle, but real.

I intend to determine, using journalistic and academic resources, if interstate bodies and governments made offers (rhetorical or practical) of sanctuary to disestablishmentarian elites (and, if possible, the masses to whom they cater) prior to the onset of the Caprivi war of secession. I have no particular expectations as to whether or not such offers will be manifest prior in publications prior to the onset of the war, since this again is information which is likely to be held in confidence by disestablishmentarians, however we may see a pattern useful for simple explanation in publications from after the war.

*On Internal Bounds Set by Establishment Elites*

Third, has the dominant system excluded beyond *redemption* the elites of the disestablishmentarian movement from restitution and redemption within the contemporary system?

Political and military theorists dating as far back as Sun Zi (alternatively Tzu or Tsu) have discussed the implications of relatively powerful belligerents limiting the available options to the their weaker antagonists. Specifically, the odds that the weaker belligerent will engage in violence (rather than opting for a strategic retreat of one type or another, including surrender) increases as the available avenues of retreat decrease. A logical and inevitable extension of this premise, noted by Sun Zi himself, is that weak belligerents will inevitably choose to fight if no avenue of retreat remains, and will often fight all the more viciously as a result. In both interstate and intrastate warfare examples of this principle abound – perhaps the most famous of the Twentieth Century being the American refusal to allow the Japanese any type of surrender other than unconditional, extending the war for at least several months (until, of course, the United States demonstrated its nuclear capabilities in Hiroshima and Nagasaki).

The principle here is simply that the state, or rather the state's establishment and orthodox elites, have publicly and actively intimated that reform, negotiation, and mutual accommodation is an impossibility. The effect of cutting off all debate and discussion on the logic of elites is clear – it

eliminates virtually all key arguments for accepting a nonviolent resolution to reigning disputes. This principle is active in the structuralist and institutionalist theories at one level – democracy, capitalism, and so forth allow dominated parties access to the system, the *possibility* of affecting transformation. This increases systemic stability. Here, however, the principle is more nuanced. If in Namibia the democratically elected government made hardline demands and took steps that would, without undermining structural and institutional integrity, eliminate the possibility of accommodation with minority parties demanding more self-rule and/or independence, the odds are that structuralists and institutionalists would foresee no increase in the likelihood of a secession movement. On the other hand, elite theorists would likely assert that such demands substantially transform the logic of elites, increasing the attractiveness of radical action.

To operationalize this I intend to review both academic and journalistic literature and construct a general history of both Namibia's central government's (and the elites thereof) relationship to the Caprivi disestablishmentarians and, for comparison, a similar general history of Botswana's state towards the Kalanga. I assume that the Namibian state will have taken both substantial and rhetorical steps that constrained the options of the Caprivi elite in such a way as to make outright rebellion an rational political behavior, with special reference to the interests and/or needs of the Caprivi disestablishmentarian elites.

## Findings

Before enumerating my findings, I would like to point out, as I did at the onset of this dissertation, that this study has been an exploratory study of sorts. Its goal has been, explicitly, to determine if there was just cause for expanding upon the orthodox methodology for predicting the onset of wars of secession by adding in additional non-institutional and non-structural dimensions of analysis. While I will discuss in the implications the possibility that future inquiries into the same subject matter might confirm certain generalizations, this study was conducted with an eye for detail for one particular reason – to determine if, in a case barely remembered outside of the state it occurred in, data emerged prior to the conflict that might have allowed us to predict it with some accuracy had we been looking for the indicators I emphasized in addition to those usually utilized by projects like the SFTF.

### *Structural-Institutional Causes*

What I found in my exhaustive study of the structural and institutional attributes of Namibia and Botswana was essentially what I expected to find. The states were structurally and institutionally very similar. The most pronounced differences lay in their physical geographies, the nature of international instability along their border areas, in the length of their period of independence, in the length of time in which the regions were administered

with racially discriminatory policies, and in the continued existence of formal institutional discrimination in one, but not the other, state.

In Table 1.1 I outline those structural and institutional indicators theoretically predicted to affect a state's likelihood to experience the onset of radical, extraordinary politics, such as wars of secession. Whereas my review of these (and several other) indicators focused on the similarity between Namibia and Botswana's institutional and structural conditions, this chart focuses on the broad picture of just how similar they are. Specifically, it delineates the points at which pressures on the two states can be expected to diverge or converge, either underscoring or eliminating instability. The picture here is a simple one. In terms of trade balance and religious composition Botswana is the more stable state, while in terms of economic composition Namibia is the more stable state. Given that the favorable trade balance of Botswana is dependent on a single key resource (gemstones) that disproportionately favors a very small proportion of Botswana, it is easily argued that this point of variance does not actually constitute a stable point for Botswana.

What is the implication of this? While Namibia and Botswana are *not* identical (it would be unrealistic to expect them to be so as my detailed discussion of the variances between the states makes very clear), a tallying of whether or not they are unstable on the theoretically relevant dimensions

Table 1.1: Comparison of Structural and Institutional Indicators of Namibia and Botswana

	Namibia Unstable	Namibia Stable	Botswana Unstable	Botswana Stable
GNP		X		X
GNP per capita		X		X
Consumer Price Inflation		X		X
Gini Index	X		X	
Economic Composition		X	X	
Labor Force Composition	X		X	
Transportation Infrastructure Development Rate	X		X	
Communication Infrastructure Development Rate	X		X	
Economic Prospects	X		X	
AIDS	X		X	
Fertility Rate	X		X	
Religious Composition	X			X
Ethno-Linguistic Composition		X		X
Transnational Minorities	X		X	
Institutionalized Discrimination	X		X	
Competition for Political Office	X		X	
Polity IV		X		X
Corruption		X		X
Gender Equity	X		X	
Trade Balance	X			X
Dependence	X		X	
Interstate Cooperation		X		X
Neighborhood Stability	X		X	



makes it clear that they are functionally similar enough for us to expect them to have both experienced the genesis of radical, extraordinary politics sometime in the post-Cold War period *if* structural and institutional variables constituted the only necessary variables. Since they did not experience similar behavioral outcomes we can say with some confidence that some other variables are also necessary to complete our causal equation.

### *Identity Change as an Indicator*

I predicted, unconsciously mirroring Galtung (1968), that there would be two processes of identity transformation that preceded the onset of war of secession in Namibia among the Lozi people of East Caprivi, but absent among the Kalanga of Botswana. First, I expected alienation and anomie (what Galtung called “disintegration” and what I refer to in my theoretical portion as “identity and value entropy”) to be higher in East Caprivi in relation to Namibia and that a reintegration of sorts would be occurring as Lozi nationalists recruited substantial proportions of their ethnic group to national awareness, leading to higher levels of self-identification among Namibian Lozi as Lozi comparative to Botswana Kalanga as Kalanga.

At the state level of analysis, what I found was quite different than what I expected. Consistently in Namibia and Botswana the differences in terms of state legitimacy and systemic legitimacy, in terms of performance, expectations, and method of acquiring power, are virtually indistinguishable, and when they are distinguishable, it is the state which did not experience the

onset of radical, extraordinary politics (Botswana) that usually experienced the lower levels of legitimacy. While this matches the assumptions neither of common wisdom nor the formal hypothesis expostulated by this paper, it remains an important point of order, inferring that we require other methods of legitimacy measurement or that the role of disestablishmentarian elites may be greater than had previously been considered.

Looking at the ethnic homelands of the Caprivi Lozi and Kalanga, on the other hand, what I found was quite different. While Kalanga and Caprivi both have relatively high levels of disdain for the contemporary system and its ability to solve problems, the Caprivi Lozi actually felt in 1999 that an alternative political system could constitute a viable alternative to the contemporary system. This nuance was not expected, but it does make sense – disintegration may be of a simple type, engendering *only* dissatisfaction and alienation or it may be more complex, engendering both a sense of dissatisfaction and alienation *and* a sense that a viable alternatives exist.

My findings on whether or not the Caprivi Lozi self-identified as Lozi (or as Silozi, Itenge, or Barotse) at a higher rate than Batswana Kalanga fell farther from my expectations, however. Kalanga self-identified at a very high rate despite their fears of recriminations in terms of access to jobs and education, while Lozi-speakers of East Caprivi tended to identify themselves according to their economic position in society, either according to class or, far more frequently, according to their occupation (most were farmers). While

this might have been expected in the case of a Marxist revolution, it was far from expected in the case of a war of secession defined along ethno-linguistic terms.

There are two possible explanations for this. First, it may simply be that the East Caprivi people while holding disintegrated identities and being highly alienated, and indeed, believe that an alternative political-economic system might be the cure for their ills, they have not been overwhelming convinced that this systemic change should take the form of ethno-national radicalism. The second option, which need not exclude the first, is that those Caprivi Lozi who were willing to take the perceived risks of self-identifying as Caprivi or Lozi rather than Namibian had already fled Namibia, following Muyongo into Botswana, leaving behind those who were merely deeply entropic with regards to their identity.

### *Mobilization as an Indicator*

I define in this study mobilization as the process by which human beings and resources, particularly weapons, are prepared to resist the orthodox system, in this case through attempting a war of secession. My assumption, at the outset, was that the Caprivi Lozi would exhibit readily observable characteristics that indicated they were (1) developing an alternative political-economy to fund their war of secession and/or as a shadow political-economy to be put into place upon independence, were (2) developing a military, and

were (3) arming their military. In the same vein, I hypothesized that the Kalanga of Botswana would demonstrate no similar precursors of violence.

In the case of an alternative political-economy, I focused my efforts on a search for black or gray political markets and comparisons of perceived levels of corruption in East Caprivi, Namibia and the North East District, Botswana respectively. In my review of the journalistic or academic literature on the regions/peoples, I found virtually no explicit evidence of black or gray market, leading me to believe at the time that this was utterly a dead end, and my research on corruption indicated that it was believed to be more pervasive by Kalanga than Lozi, though this may be because of the nature of the surveyed people's opinions on the legitimacy of the leadership more than the actual level of corruption in those states.

Yet there was an unexpected source of hope that this indicator still had some potential. In my study of mobilization of personnel what I found was that recruitment patterns by the Caprivi Liberation Army (CLA) focused on the development of a shadow state, composed of persons with military, political, bureaucratic, and educational experience. Furthermore, the transnational CLA network of relationships essentially functioned as an alternative political-economy without fostering internal corruption – probably a wise decision *if* it had led to a successful war of secession.

When I was discussing my findings with a friend and former student of mine at the University of Tennessee, one Justin Smith who is a senior at the University this year in anthropology, he suggested that interstate networks

might be essential in this case, citing Carolyn Nordstrom's (2004) *Shadows of War*. In this work Nordstrom examines the "shadow" political-economies that develop in states engulfed in internal crisis – her focus is Mozambique - and how developed states such as the United States and United Kingdom exploit these shadow political-economies to cheaply extract valuable unrefined goods.

This is relevant here because it brings up the simple fact that shadow political-economies are built on the extraction of luxury goods to exchange for essential goods lower down on the hierarchy of values, such as food, medicine, armaments, and other finished goods. Great powers can exploit these at will, of course, because of their tremendous wealth, but small powers, or disestablishmentarians in those powers, might also be able to exploit these states assuming they are both spatially near the shadow political-economies and have desirable goods. Earlier, for instance, I noted that Caprivi Lozi were able to purchase assault rifles in exchange for relatively small amounts of grain. Where did these rifles originate from? They originated from southern Angola where until 2001 the Angolan civil war raged between the Angolan state and UNITA. Perhaps no obvious signs of a black market existed in East Caprivi because the leaders therein exploited the instability of southern Angola, limited state control of southwest Zambia, and the humanitarian efforts of the UNHCR and Botswana in such a way that these bodies took over the functions of a black market in this case.

As to my research with regards to whether or not there was evidence that the Caprivi Lozi were both mobilizing, training, and arming a military force prior to the onset of violence, the only answer must be yes, and further, that no similar behavioral markers existed in Botswana among the Kalanga. This constitutes a simple point. The Caprivi Lozi not only decided that force might be a necessary option to accomplish their goals, they took practical steps to prepare for it. This is far from saying that the attempted Lozi secession was inevitable – it was not. What it is to say is that a scholar, asked whether Namibia was more likely to experience an ethnic war of secession than was Botswana, could have stated absolutely based on a relatively simple inquiry that is easily replicable, though perhaps not in quantifiable terms. What this demands, however, is that the scholar (1) probe deeper than the state-level of analysis favored by contemporary structuralists and institutionalists and (2) invest the rebels with agency separate from the state of which they are a part in practical terms.

#### *Discrete Policies and Conditions as Causes*

Above I described structuralist and institutionalist conditions and their apparent roles in Namibia and Botswana. I described them as “causes” because they are necessary to the onset of wars of secession and their kin. I also asserted that, while necessary, they are not sufficient.

I ascribe a similar role to discrete policy decisions that cannot be described as institutions or structures because their effect is (1) immediate,

rather than long-term and (2) would not register as changes in either the institutional arrangement or the structural patterns of a given system. I identified three of these discrete conditions as likely having particular salience. First, I asserted that if extra-territorial actors lend moral or real support to radical disestablishmentarians, aiding them in their cause, we could expect the odds that a war of secession would occur would increase substantially since such assistance would either lower costs, lower risks, or lower increase the apparent value of the benefits. Second, I asserted that if a mobilizing identity group had access to an exit strategy or a series of exit strategies, the risks entailed in attempting to secede would decrease, thereby making the odds that they would attempt secession increase. Third, I asserted that if leaders of the establishment ended any possibility of legal recourse to secession (or other sovereignty acquisition options) and/or criminalized the leadership of the disestablishmentarians – both of which constitute limitations to discourse – then the costs entailed in rebellion would decrease and the benefits increase, especially to elites – therefore the odds that a war of secession would increase.

What I found matched my expectations quite well. The Caprivi Lozi had access to international support of several types, some clearly intended to support rebellion, some intended to be humanitarian, while the Batswana Kalanga neither had access to such support nor, and this point can easily be looked over, did their elite seek it. The Caprivi Lozi had access to numerous exit strategies, while the Batswana Kalanga had no such access – their only

escape route would be into a state in which their repression would be far worse. Finally, Namibian President Sam Nujoma consciously and finally ended any discussion of the possibility of East Caprivi independence and declared Mishake Muyongo and his peers to be enemies of the state, forcing them to flee and leaving them no option other than discard their dream of independence or use violence. In Botswana, however, even as the Kalanga continue to be excluded from office, prevented from using their language in formal situations, and are experiencing increasing discrimination in the acquisition of higher office and educational opportunities, there is no question that the government remained open to Kalanga protests, entreaties, and demands *even if they never responded satisfactorily*.

## **Summary of Work to Follow**

This dissertation consists of seven chapters. The first consists of an introduction to and summary of the research bound in this text. The second consists of a review of the major theories on the causes civil wars, revolutions, ethno-national wars, genocides, and radical religious fundamentalism. The third chapter is an effort to integrate the general theories presented by the orthodox approach with a second level of causal factors which are ultimately derived from elite theory. The fourth chapter is an attempt to establish the structural and institutional equivalency of Namibia and Botswana, specifically to illustrate the limitations of the orthodox approach alone in the prediction of radical, extraordinary politics.



The fifth chapter consists of a study of identity and value changes as well as mobilization (and the lack thereof) in Namibia and Botswana and the sixth consists of the effects of divergent internal and external environmental affects in and on Namibia and Botswana. These chapters are intended to illustrate the utility of the second stage of analysis which I posit in the third chapter. The seventh and final chapter is a conclusion in which I review the findings, discuss their implications, and possible implications for future research.

## **CHAPTER II LITERATURE REVIEW**

Wars of secession are, as mentioned above, are merely one species of a genre of interrelated forms of domestic strife, vaguely differentiated and often overlapping. Before delimiting a causal model in which the causal chain leading to wars of secession is fully developed, it would perhaps behoove us to review the basic literature for the whole of the genre, surveying it for any and all factors that we might consider in this dissertation's original research.

### **Classical and Neoclassical Theories of Radical, Extraordinary Politics**

Virtually all contemporary theories of revolution and other types of radical extraordinary politics assert that the root of radical change lies primarily in socioeconomic causes. High socioeconomic inequity, sudden jumps in socioeconomic inequity brought on by changes in the market or changes of technology, or sustained economic failure, especially in terms of subsistence, are the most popular guises that the economic explanation of system collapse.

Classical and early modern precedents to our understanding of extraordinary politics abound. Both Plato and Aristotle, two thinkers known best for their disagreements, concurred that revolution had its roots in poverty (Tanter and Midlarsky 1967: 269). Tacitus understood regime change in

republics and democracies to be the result of a series of rational decisions in which citizens accept the transfer of their power to an authoritarian center in exchange for guarantees of security and standard-of-living guarantees. Classical Chinese thinkers, including Kung Fuzi (Confucius), held to the notion of the Mandate of Heaven, assuming that if the Emperor and his bureaucrats failed to govern effectively or morally the people would rightly overthrow the throne and a new emperor would be 'chosen' by Heaven (*Tian*) to restore good government. Later Thomas Hobbes would argue fiercely that while revolution is never conscionable, it can inevitably be expected when rulers becomes overtly tyrannical. Early liberal thinkers such as Locke would insist that revolution was justifiable not only on grounds of deprivation of life and liberty, but also of property (both real and potential).

It is with the work of Thomas Malthus, however, that we begin to see the first attempt to create a *systematic* understanding of the sources of conflict as a product of socioeconomic processes and arrangements. Malthus asserted that when a population increases in size in the absence of natural mechanisms for restraint (for instance, predatory animals) then that population ultimately exceeds the natural carrying capacity of the territory that population exists upon. Under such conditions there are a limited number of possible outcomes. A first option is that the society will not increase in inequity, but will rather ration food and key resources—the result being that the entire population will be weakened in its responsive power, precipitating an unbounded die-off in the event of any serious unpredicted crisis, be it

plague, natural disaster, invasion, and so on. Such disasters, it should be noted, may become more likely in the instance of overpopulation/resource underdevelopment because of increased population density, lower resource availability for behaviors and infrastructure that are not *immediately* necessary, the higher environmental damage that accompanies overpopulation/resource underdevelopment, and the weakened station of the state vis-à-vis its neighbors. Second, the population can attempt to acquire more of the necessary resources by force, either colonizing new territories (*i.e.* moving significant portions of the population into those territories, thus relieving population pressures) or exploiting them. Third, and most relevant to the discussion here, elements of the population may attempt to guarantee their access to resources while depriving others of their full share—in other words, inequity will increase. The result will be either a die-off of those without adequate resources or civil conflict in an attempt to force a redistribution of resources, conflict that ultimately decreases population pressures. Of particular interest here is that conflict is a product of politically constructed socioeconomic inequality, a concept that later becomes a hallmark in the work of Karl Marx and Frederick Engels.

Specifically, Engels and Marx assert that technological changes serve as catalysts for systemic change. As human beings develop new technologies, physical and social, different socioeconomic classes are able to gain greater wealth and power relative to the other classes. Dominating classes, which have vested socioeconomic and political interests and powers

in the system as it contemporarily exists, perceive their interests as threatened by upstart classes. Rationally, these dominant classes react by attempting to suppress the upstart classes, thereby creating conditions that mirror those found in the third response to Malthusian crisis listed above. The result is that, in most cases, extraordinary and often violent political means are necessary to readjust the political and socioeconomic arrangements of society. Even if the initial efforts to suppress change are successful, a socioeconomic/political system cannot survive without adjusting to the new technological realities (and the new relational arrangements dictated by these technologies). Either the system will be forcibly changed from the outside by systems that did readjust—a key point of Lenin’s work—or inevitably the resources available to the upstart class will allow them, at some point, to take power, integrating the best parts of the former system with those of the new system. Progress and revolution may therefore be considered inevitable and inexorably linked not merely to socioeconomic change but to socioeconomic inequity and competition.

## **Modern Theories of Radical, Extraordinary Politics and Relevant Contemporary International Relations Theories**

The key unifying element in the work of most Twentieth Century theorists on revolution, regardless of their ideological/metatheoretical bent is their general agreement that revolution is a response to socioeconomic inequality, creating

scarcity among particular classes and subpopulations. These include Russett (1964), Paige (1975), Tanter and Midlarsky (1967), Disch (1979), Skocpol (1976, 1979a, 1979b), Somers and Goldfrank (1979), and Midlarsky (1982)—all of whom emphasize land inequality in particular. This emphasis on land inequality reflects the fact that most large-scale “social” revolutions (populist, bottom-up) have occurred in states that had not yet modernized.

Furthermore, at least heretofore, most developed states have proven themselves more than capable of sustaining the fundamental needs of most of their population as pointed out by Inglehart *et al.* (2004: 5). Key exceptions include those domestic radical, extraordinary political events transpiring during the First World War, the Great Depression, and the Second World, series of events that facilitated the collapse of democracy in several states. Whether or not this will remain the case remains to be seen, especially if market economies ultimately decline or collapse, resulting in adequately significant poverty and/or income inequality to spark a revolution, as Habermas (1975) and Lindblom (1977) suggest is possible.

Brinton (1952) suggests that the key uniformity among most revolutions is that immediately preceding a revolution the quality of the socioeconomic system surges upward, while Davies (1962) states that that revolution results from a sharp decline in quality of life immediately following a long-term improvement in the socioeconomic system. This in turn leads us to the work of Tanter and Midlarsky (1967: 271) who state that the key element in revolution formation is not simply poor circumstances, but rather a

“legitimacy gap.” Revolution, thus, is a behavior that results from a rational assessment of the variance by a key sector or key sectors of society between that sector’s socioeconomic aspirations and its and its expected or real socioeconomic receipts.

Sakata and Hall (1956) added a three-point theory to the literature on the underlying causes of radical, top-down extraordinary politics. Specifically, their work was based on the conditions that allowed and drove certain Japanese elites, specifically members of the growing bourgeoisie, the Imperial bureaucracy, and the *petit* samurai, to participate in the Restoration and the Meiji Reformation. First, Sakata and Hall assert that throughout the Nineteenth Century the dominant elements of the Imperial state had gradually slid into stagnation as the result of an obsession with ceremony, precedence, and heredity to such a degree that the lower echelon of the bureaucracy on the one hand became alienated from the upper reaches of the state and on the other gradually accumulated most of the state’s real power. In other words, the empowerment of a bureaucracy whose interests are notably different from those in which formal legitimacy is vested is a key potential precedent of top-down revolutions. Secondly, the late-Tokugawa period was plagued with economic weakness—a hallmark of radical, extraordinary politics as theorized by virtually every major theorist. Finally, the Shogunate was plagued with the threat of Western invasion and, due to the former two conditions, proved entirely ill-equipped to respond to that threat—again, a key element motivating many instances of dissent in the work of latter writers.

In his *Growth as a Destablizing Force* (1963), Mancur Olson, Jr. asserts that contrary to what traditional theorists and policy-makers have believed, as indicated in their work or implied in their policies, rapid economic growth is in and of itself not a stabilizing force. To the contrary, Olson notes that those people most likely to become involved in radical movements, whether leftist or rightist in slant, are simultaneously those people who are most alienated from any typical identification, be it familial, professional, or social. The significance is that economic status *per say* is not responsible for alienation, then. That said, however, rapid -economic growth tends to lead to substantial increases in the number of socially unaffiliated person, that is to say people without class identity or *déclassé*. The relative growth in the number of *déclassé* in societies experiencing rapid economic growth is the product of two simultaneous processes that accompany rapid economic growth. On the one hand, the economic disruptions and transformations disrupt traditional class and group structures, tearing apart pre-growth social patterns and alienating large numbers of people. On the other hand, economic growth allows members of lower classes to climb in the political, economic, and social hierarchy. These newly affluent and influential groups also become alienated, in part due to their removal from social patterns for which their upbringing prepared them, in part because 'old money' members with similar class status rarely accept them and often try to sabotage their rise of influence.



Olson, building on the work of Alexis de Tocqueville, also asserts that rapid economic growth has the potential to lead to a “revolution of rising expectations” (541). When men and women are forced to live under an economically and or politically repressive system, then new burdens are taken in stride—suffering is taken as a constant, unavoidable part of life. On the other hand, should the burden of life be relieved, be it through political decision or rapid economic growth, then instability will grow. This instability is the product of two things: on the one hand, the fact that now the oppressed know their situation can be improved, and on the other the fact that the remaining points of oppression are highlighted by the absence of those now past.

Tilly (1973, 1975, 1978) builds on these earlier paradigms, but emphasizes the political causes of revolution as preeminent. This is not to infer that socioeconomic concerns are not involved in the causal chain that leads to revolution, but merely that the ultimate causes of revolution are in fact political. Specifically, Tilly refers to the contemporary structure of power, alternative conceptions of justice, the organization and use of coercion, conduct in war, the formation of coalitions, and failure in the legitimacy of the state as the prime causes of revolution. That said, the first three of these can be seen as simple causes of delegitimization and, concordantly, the formation of anti-establishment coalitions.

Skocpol, one of the most renowned theorists of revolution (and an ardent defender of the strict theoretical segregation of bottom-up “social

revolutions” such as the French and Chinese revolutions from other socio-political upheavals) adds to the relevant literature in two key ways. Granted, like so many other theorists of revolution, Skocpol agrees that illegitimate regimes/systems are at the core of revolutions, emphasizing in particular, “the collapse or incapacitation of central administrative and military machineries” and “widespread peasant rebellions” (1976a: 178) and that “[v]irtually everyone who writes about social revolutions recognizes that they begin with overtly political crises” (1979a) which slam the door shut on already illegitimate and/or ineffective systems. That said, Skocpol makes two key distinctions that here warrant attention.

To begin with, Skocpol insists that “marginal elite political movements” are key in founding revolutionary regimes—that is to say that elite expertise is often essential in helping disaffected persons to manage and ostensibly reform the political-social-economic system (1976a: 178). Additionally, Skocpol insists that considering the international political-economic system in tandem with the domestic system is essential for three reasons. First, Skocpol asserts that international pressures are key in the process of ‘incapacitation’ mentioned above. On the one hand, Skocpol claims that revolutions are in part the product of international politics. Military over-deployment and over-participation, both of which expend essential resources and alienate key elites and restrain possible domestic policy choices (including reforms that might lead to regime legitimization) are key in grievance formation (1976a, 182; 1976b 299-300). Of course, a state

attempting to defend itself against the predations of fully developed states must devote enormous resources just to have an adequate deterrence to outside interference and invasion—the result being virtually the same as active warfare (1976a, 184). Finally, dependency, in the form of extreme foreign debt and trade imbalance, for instance, may also be seen as stripping domestic political systems of key resources, resources which otherwise could have been diverted to improving political-economic circumstances (1976a, 183).

Skocpol (1976b) also asserts that revolution, being the product of unjust systems whose means of domination were stressed to the breaking point by foreign pressures, is not the product of any of the intentions and/or intended actions of the actors who later take advantage of it. Quite the contrary, the failure of the state merely creates literal and ideological chaos, chaos that then is exploited by disestablishmentarian radicals who knit together a new social, political, economic order from the tatters remaining. Skocpol, in other words, asserts that the only actors who are meaningfully involved in the process of dissolving a political system are those who formerly controlled it, and their effect is wholly unintentional.

Midlarsky (1982) builds on the work of Skocpol even while critiquing her work. Specifically, Midlarsky asserts that the essential element in predicting revolution is not simply the condition of ‘modernizing agricultural states.’ Rather, Midlarsky asserts that modernizing, agricultural states embody a set of attributes that are conducive to revolution from below—

attributes that he feels are likely to appear in other socio-historical circumstances. Specifically, Midlarsky asserts that the two primary structural conditions that underlie revolution are 1) key-resource scarcity and 2) political economic inequality. The relationship between these structural causes, asserts Midlarsky, is a reflexive one—resource scarcity tends to heighten political and economic inequalities, while preexisting political and economic inequalities tend to predetermine who will have the most access to scarce resources. When these conditions exist simultaneously the only option for disenfranchised and exploited classes is extraordinary political behavior.

Dix (1984) finds that closed, corrupt, personalistic states are far more likely breeding grounds for violent revolt than are either open/liberal states or states ruled by military regimes, what some scholars might call bureaucratic-authoritarian regimes. Liberal societies may be expected to be unlikely candidates for revolt not only due to their apparent lack of norms of domination but also due to the fact that liberal regimes tend to remain legitimate in part because they become what the population wants. Liberal states, in other words, facilitate rule-change through rule-based behaviors. They offer alternatives to violent and/or radical systemic transformation that are readily available to virtually all elements of society (save the most severely disenfranchised who are rarely in a capacity to resist the orthodox system anyway, being obliged to concentrate all their efforts on the process of subsistence).

Davidheiser (1992) states simply that, “states which penetrate and transform society but which allow little penetration by societal interests are more likely to fall to revolution” (464). His effort is an attempt to refute Skocpol whose work infers that only weak states experience revolution. Davidheiser instead insists it is the very fact that states are strong that brings about their demise—strong states coerce people into particular political-economic circumstances, making responsibility for outcomes entirely state-dependent. Therefore, if the state fails in its policies (for instance, in the effort to modernize), then the state bears all the costs in terms of legitimacy. The key protest to this work, however, might be that the failure of the state infers a kind of weakness in and of itself—the state demonstrates its incapability accomplish goals—leading to the predominance of non-state actors.

Ronald A. Francisco (1993) emphasizes the importance of contagion as a cause of civil war and revolution, using the transnational Revolution of 1989 that swept the Eastern Bloc. Specifically, what Francisco notes is that when the Soviet Union failed to respond to the protests that swept East Germany and Poland that year, citizens of other regional states recognized an opportunity to revolt as well. This is not only because the East Germans and Poles had demonstrated that protest against the ruling regime, and ultimately regime change, was possible, but further that the regional hegemon was either incapable or unwilling to use force to prevent them from doing so. Essentially, then, we may speak of contagion not so much as a wholly independent variable so much as 1) a means by which state weakness may

be highlighted and 2) as a means of creating a an entirely new set of expectations which necessarily hinge on the overthrow of the contemporary system.

The notion that liberalism is conducive to *interstate* (that is to say between and/or among states) peace has been reinforced by a host of other studies, some that emphasize the pacifying effects of democracy as a regime-type, the pacifying effects of variants of capitalism, and the pacifying effects of institutionally and structurally egalitarian societies. In the first part, theorists have begun to demonstrate the linkage between domestic political arrangements, socio-economic groups, and the foreign policies and international behavior of the states they constitute. Two categories of these theories have yielded particularly valuable results, relevant here in terms of their utility as a basis for further theoretical development.

Advocates of the “democratic peace thesis” insist either that democracies are extremely unlikely to enter into military conflict with other democracies (Chan 1997; Maoz and Russett 1993; Mousseau 2003; Rousseau *et al.* 1996). This is the “weak” thesis. Others have argued that democracies are generally more pacifistic than states that are not democratic (Benoit 1996; Chan 1997). This is the “strong” thesis. Supporters of these theses, and particularly supporters of the “weak” democracy/democracy thesis point to a literature that has systematically failed to disprove the thesis in rigorous test after test, resulting in the claim that the democratic peace thesis is closest device to a law that political science has produced.

While the democratic peace thesis emphasizes peace as a *by-product* of a particular set of political arrangements, norms, and institutions, other liberal theorists insist that it is not free political competition but rather free economic competition, or capitalism, that is associated with peace (Lektzian and Souva 2003; Polacheck, Robst, and Chang 1999). This thesis is based on the notion that it is the linkages of capitalist exchange in terms the flow of goods and services and the interdependence which accompanies such linkages as well as the norms associated with modern capitalism that produce the conditions necessary for extended interstate peace.

Concurrent with this body of literature is that of internal structural inequality (Caprioli 2000, 2003; Caprioli and Boyer 2001; Caprioli and Trumbore 2003; Tessler, Nachtwey, and Grant 1999; Tessler and Warriner 1997). This literature, an amalgam of ethno-national, feminist, and Marxist theory and inquiry, is based on a single general premise: the greater the structural and institutional inequality within a state, the more likely the norms associated with structural inequality and domination are likely to manifest themselves in interstate behavior (Benoit 1996; Bonta 1996; Bremer 1992; Brown 1993; Bueno de Mesquita and Lalman 1992; Caprioli 2000; Caprioli and Boyer 2001; Caprioli and Trumbore 2003; Gledisch and Hegre 1997; Greenfeld 1992; Oneal and Russett 1997; Ray 1995; Rummel 1995; Snyder 1993; Van Evera 1997). The result, which several studies have found probabilistic evidence of (see especially Caprioli 2000, 2003), is a greater propensity to engage in militarized interstate disputes and wars.

To simplify, systems that discriminate and are legalistically, institutionally, or structurally unequal are likely to produce norms of domination among elites. Internationally this leads to an unwillingness to negotiate or to accept compromise. We can assume that, similarly, on the domestic level attitudes of domination reinforce notions of entitlement for dominating classes and disenfranchisement for dominated classes. The result is that the dominated classes come to perceive the system as fundamentally unjust and illegitimate while both dominators and dominated come to perceive negotiation and moderation as unpalatable, unacceptable, and/or impossible. Thus when conditions for the dominated classes become adequately unacceptable as to compel political response, radical systemic transformation in the form of a coup, civil war, or revolution is the most likely outcome.

Summarizing, it is generally believed that radical systemic transformation is the product of discriminatory or generally impoverishing structural and institutional conditions. These conditions are hypothesized usually to be the end result of either socioeconomic competition between classes reinforced and/or created through political action. Further, the form of the system is legitimated in the orthodox culture—when perceived inequality or poverty become too great, or when certain classes are believed to be breaking key clauses of the social contract, or when the system is perceived as being fundamentally imperiled by outside political, economic, or social forces then systemic legitimacy breaks down. Injustice, it would seem, has its



limits. This decline in legitimacy allows organizations with alternative political, social, and/or economic visions to gain adherents and ultimately challenge the *status quo*—a process that frequently results in revolutions, coups or civil war.

## Theories of Ethno-National War and Genocide

I segregate the literature on ethno-national warfare and genocide from the literature on other forms of extraordinary politics not out of any personal inclination, but in recognition that this branch of research into political upheaval has evolved partially, though not wholly, alienated from the literature on civil wars and regime changes, much less from the international relations literature reviewed above and, secondarily, to demonstrate the similarities that have emerged between the various fields.<sup>1</sup>

Before continuing, however, I would like to add a simple note. I reject outright racial and pseudo-biological arguments for political violence and upheaval. Do I recognize that human beings tend to defend those they care for most first? Of course. And I recognize that this trait evolved in large part to maintain families and tribes of biologically linked individuals—the individual was and is sometimes sacrificed to protect the greater genetic heritage. Beyond that, however, we must recognize that human group identity is

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<sup>1</sup> Sambanis (2002: 234) points out that there is no consensus in the literature on the theoretical validity and empirical utility of dividing ethnic and revolutionary wars, though in an earlier article (2001), dedicated to the determining this point, he asserts that ethnic wars tend to be based on political grievances, rather than socioeconomic.

constructed from experience and cultural influence—human allegiances and loyalties are not biologically determined. Primordialism is a myth.

My review of this literature begins with the 1944 work of J.S. Furnivall and the 1969 work of M.G. Smith. On a vaguely Madisonian note, these two authors asserted that pluralistic democracies, that is to say democracies in which politics tend to be organized in terms of ethnic interests, are fundamentally predisposed to violence. Specifically, they assume that those states whose institutions encourage or allow ethnic competition to become the focal point of political activity are fundamentally flawed. The nature of competition in these states, they assume, is fragmenting, ultimately undermining state legitimacy, identity, and stability. While Donald L. Horowitz (1985), Helen Fein (1995), and Peter Uvin (1999) do not comment on this particular element of democracy, they do assert that the process of democratization exacerbates tensions between ethnic groups in most states—specifically, democratization threatens the security of elites already in power with a loss of that power, therefore those who have the most to lose have a tendency to take whatever steps are necessary, including the use of extraordinary violence, to protect it. If this includes a shift away from democracy without violence, it is entirely possible that the group or groups that believed themselves to have made substantial relative gains will themselves initiate violence.

Deutsch (1953), on the other hand, contends that ethno-national warfare is a product of political-economic-social mobilization outpacing

political-economic-social assimilation. In other words, Deutsch believes that in instances when powerful political-economic centers effectively spread their system into outlying areas that, previously, have been isolated and which retain distinctive systemic patterns and behaviors, several problems emerge. For instance, political and economic efficacy is likely to decline given that the system is integrating what are, effectively, two different *types* of polities and economies. Furthermore, exploitation previously required middlemen—with the establishment of center control over outlying regions, the role of the center (*i.e.* the dominating ethnic group) becomes more manifest. Regardless, since assimilation has not kept up with the expansion of center power, the result is that difference between the center and peripheral regions/groups becomes obvious and the advantages demonstrated by the dominate group(s) *seem to* (and indeed, may in fact) grow relative to exploited groups. The result is that discontent increases as does the rational utility of rebellion.

Walter Connor's (1967, 1973a, 1973b) work further emphasizes the role of modernization by detailing four effects of the process of modernization likely to exacerbate sentiments of discontent. First, modernization decreases autonomy, depriving former leaders (social, political, and economic) of their power, wealth, and prestige and, in many cases, removing people who understand local conditions from offices that would determine the proper responses to those same conditions. Second, Connor notes that the process of modernization, with its double-punch of advanced communication and

transportation technologies, strengthens (or even creates) intra-group identity. Tribes, clans, families, towns, and even regions that had previously not recognized their similarity or their similar interests are suddenly confronted with their sameness, even if this sameness is contrived. The result is an upsurge in nationalist sentiments. Third, modernization disseminates nationalist ideals using the very same technologies that unite previously disunited groups, often concurrently. Finally, the process of modernization subjects states and their minorities to the constraints of a neo-imperial, as opposed to imperial, global system—outright domination is, in other words, no longer valued as a policy option of first choice by great powers, therefore great powers are less likely to sanction extreme acts by dominant groups in solidifying their power over dominated groups (these sorts of acts, after all, make effected areas less capable of producing necessary commodities and less capable of absorbing finished products produced by core states. Unquestionably this final premise held under during the Cold War, but its relevance in the post-Cold War period seems to be even greater.

Two authors, Daniel Lerner (1967) and Samuel P. Huntington (1968) add that the process of gaining independence from another state creates a social psychology that is vulnerable to radicalization along ethno-national lines. In essence, Lerner and Huntington suggest that the general populations of states gaining their independence from imperial powers tend to have extremely high expectations as to the effects said independence will have on their lives. These high expectations are, however, rarely rewarded

with *rapid* political-economic improvements. Consider that upon independence most states experience a flight of formally trained bureaucrats, scientists, technicians, lawyers, doctors, and other elites. Consider that often for decades, occasionally for centuries, these states have been formally exploited, used for the explicit purpose of enriching people other than their inhabitants, leaving them with social and physical infrastructure designed primarily to help deprive them of capital rather than develop it. Combine this with the tendency of colonial powers to “divide and conquer” the inhabitants of their holdings and their propensity to leave a trail of strongmen and corruption in their wake and the most likely outcome is disappointment and discontent. This discontent convinces ethno-nationalist groups that their interests would be better served by a state of their choosing, as opposed to a state of the dominant ethnic group and/or the former colonial power’s choosing. Robert Kaplan (1993), as well as Raymond C. Taras and Rajat Ganguly (2006) build on the assumptions of Lerner and Huntington, asserting that the absence of great power interest (global or regional) in retaining stability in a particular region—due to a lack of strategic significance—allows ethnic tensions that might have been forcibly submerged to rise to the surface unabated and deprives states of essential international aid. In both of the above theories, then, the absence of strong powers as organizers and sponsors in a region allows minor actors to destabilize political, economic, and social regimes.

Stein Rokkan (1970) identifies three key conditional indicators that an ethnic group is likely to engage in rebellion. The first among these is a

combination of geographic concentration and isolation—both of which will help not only solidify the identity of an ethnic group and give it a sense that it has a defined homeland to defend/claim, but which also improves said group's ability to develop a meaningful logistical base from which to press this claim. Secondly, the group should not only be geographically distinct and/or isolated from the dominant group(s), but furthermore it should be socially isolated, maintaining distinct cultural and/or linguistic patterns from the dominate group which make distinction among groups both easy and salient. Finally, Rokkan asserts that ethnic groups which exist in (or have previously existed in) economic isolation from the dominate group(s) in a state are more likely to assert claims to independence or autonomy, undoubtedly since integration into the mainstream is likely to not only tear apart traditional economic patterns but further to lead to substantial economic costs. The implication here is, of course, that elites from the dominant ethnicity are attempting to force the dominated ethnicity to integrate—otherwise these factors would have little significance. Modernization (or other cases of effective expansion of central state power and the orthodox economy inflames identity concerns (and power-preservation concerns) among previously autonomous groups.

Myron Weiner (1971) states that in those instances where a “status quo state” with a particular minority borders another state in which the dominate ethnic group composes the dominant class, then the likelihood of ethno-nationalist conflict in the status quo state increases exponentially. This

is in part due to the fact that the revisionist state is likely to become obsessed with border modification (to its strategic advantage, of course). The most likely reaction to this by the status quo state is likely to become border maintenance. The result is an ideological runaway event in which nationalism and militarism spike in both nations, including among the minority in the status quo state. Escalation, be it into international war (with expansion as the key end the revisionist power), into intranational war (in which the minority of the status quo state is armed, trained, and supported by the revisionist state), or a complicated, Balkanized blend of both, increases as an option when ethnic identities are transnational.

Michael Hatcher (1975) follows the work of Lenin and Gramsci, asserting that the cultural division of labor and exploitation found in many multiethnic states often exacerbates tensions between these groups while also leading to a sense of community and joint purpose. The outcome of this exploitation is that oppressed groups are likely to mobilize politically and, at times, militarily. That said, Hatcher presages Heraclides (see below) by asserting that he feels that while this may be a necessary condition for ethno-national discontent and upheaval, it is not a sufficient one—pointing specifically to ethno-national movements of wealthy, relatively equitable states.

Johan Galtung's 1990 article "Cultural Violence" attempts to create a sociological explanation of the process of violence legitimization—that is to say how it is that people come to accept and engage in violence on a cultural

level. His theory ultimately comes to two conclusions. First, many, if not most, cultures inculcate a sense of who is and is not a member of “acceptable” society. To be a member of the society is to be fully human and entitled to rights. To be excluded, in contrast, is to not only not be entitled to societies rights, but further to a threat to those who are so entitled. Second, though distinctly related, most cultures inculcate a sense of hierarchy based on one’s closeness to an ideal of some kind; God, for instance, in cultures where religion remains the dominant social element, technological/economic sophistication among secular, modern societies, or even depth and breadth of democracy in liberal societies. Outsiders are judged by insiders in relation to their place on the contemporarily held hierarchy. Both of these cultural elements have two possible implications for warfare, ethno-national or otherwise—to be different is to be unequal, and to be culturally unequal is to legitimate political and economic inequality. Thus, tensions between dominated and dominating elements in multicultural societies are high (setting the stage for violence), but further a more eclectic justification is already built into the structural precursors of violence.

In his *The Self-determination of Minorities in International Politics* Alexis Heraclides (1991) outlines the developmental approach to the politics of ethno-nationalism. Heraclides asserts that identity, be it ethnic or otherwise, forms the essential independent variable that leads to both political activity and militaristic secessionism. He further adds that this is the case regardless of inequality of dominance within polity, economy, or society. His



work captures a key conundrum—discontent with the contemporary arrangement in multicultural communities often arises in fairly egalitarian and just societies. Consider the secessionist and autonomist movements currently active in the North Irish, Scottish, and Welsh kingdoms of the United Kingdom, among the Quebecois in Canada, among Bretons in France, among virtually all regional minorities of Spain, and in Sicily and the North of Italy. Identity, asserts Heraclides, is key in defining one's sense of right and wrong, *not actual conditions*. Whether or not he presses his claim too far (I believe most of the theorists considered in this essay would agree he has), it does make a key point—identity *defines* conflict, specifically in the ethno-national conflict, but alternatively in other situations (*e.g.* religious identity in the Wars of Religion and ideological identity in the Cold War).

Heraclides, building on Gurr (1970b) and later seconded by Brass (1991), and Snow (1993), also asserted that ethno-nationalist conflict may be further aggravated by perceived relative deprivation. Should the members of a non-elite ethnic group perceive themselves as in a politically or economically disadvantaged situation vis-à-vis the dominate group(s), the members of said ethnic group are more likely to reject the contemporary order.

Both Rummel (1994) and Krain (1997) assert that as the concentration of political power in a state increases, the odds of politicide and/or genocide increase concurrently. Totalitarian states then are extremely prone to genocide (all other factors being the same). Alternatively, stable, enduring

democracy and free political, economic, and social competition tend to undermine the tensions that lead to genocide (Rummel 1983; Bremer 1992). Along the same lines, McNitt (1995) discovered a causal chain that he asserts might lead to greater ethno-national repression. As international pressures and/or conflicts increase, so to does the pressure on a state's rulers to engage in repressive political activities (*e.g.* torture and detention). The result is a greater propensity among repressed groups to rebel and, as the threat they present to the state increases, a greater likelihood that state elites will consider genocide an acceptable means of eliminating a serious threat to their power, thereby eliminating in a sweep an entire front from the strategic concerns of those elites. Repression, then, may not so much be a cycle as much as it is a near-irreversible spiral. Krain (1997) concurs that the strongest and most consistent predictor of the onset of genocide or politicide are political opportunities. These opportunities are afforded primarily by the onset of other crises, crises that attenuate tensions and that afford effective cover for genocidal activities (due to the withdrawal of international observers). Civil wars, sudden regime changes, and the so forth are key examples.

Before diving into the particulars of his recent contributions to the theory of intrastate upheaval, a few moments need to be spent clarifying the key points of Samuel P. Huntington's most recent, significant theory of interstate violence. Huntington's (1993a, 1993b, 1996) "Clash of Civilizations" hypothesis constitutes a giant among culturalist work. Huntington points out

that previous to the decline of the Cold War the nation-state has been the *de facto* locus of conflict for a long period of time. In this Huntington is wholly correct—during the Cold War two alliances of nation-states battled for ideological supremacy, whereas before the Cold War the world was enveloped, literally, by the political, economic, and military might of the first true nation-states. The result was that conflict was globally framed within the context of Western political philosophical assumptions. Yet with the fall of the Soviet Union these circumstances changed. There appeared, as Fukuyama (1992) would laud, to be nothing more to fight about, at least in terms of ideas. The liberal West had won.

Yet the end of the Cold War also, in the eyes of many observers, signaled the failure of modernization. Modernization not only threatened the traditional values of non-Westerners (and traditionalist or fundamentalist Westerners), but it failed to improve the lives and livelihoods of most non-Westerners. Cultural identities began to reassert themselves. Huntington posits that culture will become the new line in the dirt, the defining fracture along which conflict will continue. Furthermore, Huntington asserts that this conflict will not be contained in simple national terms, along national cultural lines, but rather will develop transnationally, uniting civilization against civilization—shifting relevant identities away from nationalism's lowest common denominator rationale towards the highest common denominator, the largest group of people with shared identities other than the species as a whole.

Interestingly, Huntington's work says less about the behavior of particular civilizations in terms of their propensity to belligerence than it does about the behavior of dyads of civilizations—the fundamental assumptions of neo-realism remain almost wholly intact, save that the key entity is the civilization, defined largely in terms of religious identity, rather than the nation-state.

While several studies since have called into question the utility of Huntington's work for the scholars of interstate relations (see in particular Henderson and Tucker 2001), its utility for defining the most likely geography of civil conflict has received a warmer welcome. This is not, however, to say that Huntington himself did not recognize this potential. Huntington notes that several types of states are likely to experience an upsurge (probabilistically) of culturally-defined conflict. In fact, he dedicates several pages in *Clash* (1996) to developing a typology of states most likely to incur negative effects from the apparently inevitable clash of civilizations.

First, Huntington establishes that there are *lone countries* (136-137) that do not fit neatly (or even messily) into civilizational categories. Huntington specifically mentions Haiti, Ethiopia, and Japan as examples, though the substantial degree of Westernization in the third of these may call it into question. The others, however, represent an interesting political-economic conundrum. These states are unlikely to be viewed as 'kin' by any other state or set of states—they are in, Huntington's words, "the neighbor nobody wants" (136). Furthermore, we can expect that the sheer uniqueness

of these states deprives them of viable models for development and complicates their integration into the world order, or a regional order for that matter, thus slowing their development and decreasing their overall effectiveness as states. These states are less likely to have effective interstate support networks (strategically and developmentally), than are other, politically-economically comparable states, and therefore may be considered more prone to state failure than average.

Secondly, Huntington identifies *cleft countries*. While Huntington notes that multicultural states of the same civilization are capable of deep division, it is cleft states, or states wherein there are relatively large groups of different civilizations, that are most prone to political-economic division along socio-cultural lines. Huntington notes that cleft countries that are territorially adjacent to both of the civilizations they are comprised of are most likely to be prone to political stability difficulties, an assertion which is entirely logical given the increased logistical ease in terms of transferring aid, assistance, and advice to autonomist, revolutionary, and secessionist groups. Of course, Huntington asserts that these tensions are profoundly more likely to gain significance contemporarily given that the Cold War, with its over-shadowing ideological dichotomy, has receded (don't mention that, of course, to the Nepalese Maoists or Hugo Chavez).

Finally, Huntington describes *torn countries*, those states wherein certain leaders, usually the dominant elite, seek to transform the state, gravitating it from one civilization to another (138). This phenomenon, as one

might imagine, is largely defined contemporarily by non-Western states seeking to Westernize and modernize, *e.g.* Ataturk's Turkey, though Huntington asserts that Australia may be an exception as it leans towards Asia (though there is some question of the cultural validity of this statement, as the author himself admits, given, for instance, Australia's Occidentric immigration policies). The potential for conflict in these states is largely reactionary at one of three levels. Elites may reject transcivilizational reform out of a fear, often rightly, that they will lose substantial wealth, power, and/or honor in the exchange, while the masses may reject efforts to force their abandonment of traditional patterns of behavior either out of fear of displacement. Of course both may also harbor genuine sentiment for the orthodox system and traditions. Finally, the civilization the torn state is attempting to join may reject it (think of the difficulties, for instance, Turkey has had trying to gain admission to certain Western intergovernmental organizations), resulting in a substantial backlash (and delegitimizing the reforming regime).

Few authors on the subject of ethno-nationalist conflict even begin to approach the output of Ted Robert Gurr—his work is far and away the most influential since the end of the Second World War. While in his earlier works Gurr is primarily (though by no means exclusively) a theorist, his later works are intensive, extensive tests of the prevailing theories of domestic political upheaval, with particular (though again not exclusive) emphasis on ethno-national politics.

In one of his early works, “Psychological Factors in Civil Violence,” Gurr (1968) develops a set of “propositions” that are meant to provide a framework for the prediction of radical, extraordinary politics and the magnitude of said events when they occur.

*Proposition I.1:* The occurrence of civil violence presupposes the likelihood of relative deprivation among substantial numbers of individuals in a society; concomitantly, the more severe is relative deprivation, the greater are the likelihood and intensity of civil violence. (254)

Presaging his *Why Men Rebel* (see below for more detail), Gurr asserts that the ultimate cause of radical, extraordinary politics lies in either the failure of the political-economic-social system to fulfill its perceived obligations (or the apparent future failure to do so) and/or the failure of the state to provide or maintain political, economic, and/or cultural equity when it is believed to be inevitable either because it has been promised or because such equity has been withdrawn.

*Proposition I.2:* The strength of anger tends to vary directly with the intensity of commitment to the goal or condition with regard to which deprivation is suffered or anticipated.

*I.2a:* The strength of anger tends to vary directly with the degree of effort previously invested in the attainment or maintenance of the goal or condition.

*I.2b:* The intensity of commitment to a goal or condition tends to vary inversely with its perceived closeness. (259)

Put simply, these propositions inform us that the degree of discontent (Gurr uses the term “anger”) among a group or set of groups who are experiencing relative deprivation increases as previous loyalty to the system as well as total effort exerted increases. In turn, as this discontent increases the probability of radical, extraordinary politics breaking out increases proportionally.

*Proposition I.3:* The strength of anger tends to vary inversely with the extent to which deprivation is held to be legitimate. (260)

Here Gurr notes that if a system is legitimate and/or the causes of deprivation are comprehensible the reaction to that deprivation will be moderated. This is most likely when the state is liberal and/or the deprivation is part of an obvious and necessary effort of the state to improve its people’s long-term quality-of-life (consider, for instance, the shortages that accompanied American and British participation in the First and Second World Wars).

*Proposition I.4:* The strength of anger tends to vary as a power function of the perceived distance between the value position sought and the attainable or residual value position. (261)

*Proposition I.5:* The strength of anger tends to vary directly with the proportion of all available opportunities for value attainment with which interference is experienced or anticipated. (263)



Put simply, these propositions assert that the greater the difficulty presupposed by the discontent in terms of achieving their desired goals then the greater the likelihood those same discontented will assume that ordinary politics are not an acceptable means of attempting to accomplish their goals and alleviating relative deprivation. Extraordinary politics, then, are a product of human beings believing they will not be able to achieve goals important to them through ordinary means. The implication is that politically, socially, and economically liberal systems, which allow ordinary people to engage in open, rule-based competition, are less prone to political upheaval than other types of systems.

*Proposition M.1:* The likelihood and magnitude of civil violence tend to vary curvilinearly with the amount of physical or social retribution anticipated as a consequence of participation in it, with likelihood and magnitude greatest at medium levels of retribution.

*Proposition M.1a:* Any decrease in the perceived likelihood of retribution tends to increase the likelihood and magnitude of civil violence. (265)

These propositions are ultimately assertions that state strength matters in predicting the likelihood of radical, extraordinary politics. In particular, 1) if the military, intelligence, and/or police establishments side with the discontented, then we may assume radical, extraordinary politics to be more likely, 2) if the leaders of the state, including in the above mentioned groups seem unwilling to crush resistance and this becomes apparent, then radical,

extraordinary politics become more likely, and 3) as the expected retribution expands in terms of depth and breadth, then radical, extraordinary politics becomes less likely. Unmentioned by Gurr but implicit nonetheless is another point—the more radical, extraordinary politics are perceived to be likely to succeed, the more likely those same politics will be taken up.

*Proposition M.2:* Inhibition of civil violence by fear of external retribution tends in the short run to increase the strength of anger but in the long run to reduce it.

*M.2a:* The duration of increased anger under conditions of inhibition tends to vary with the intensity of commitment to the value with respect to which deprivation is suffered. (267)

Put simple, Gurr here argues that frustration at inhibited potential for action inflames discontent for the short-term, but as time passes this discontent tends to molder into ambivalence and defeatism. In other words, the more long-term and stable the repression, the more the odds that radical, extraordinary politics will develop decrease.

*Proposition M.3:* The likelihood and magnitude of civil violence tend to vary inversely with the availability of institutional mechanisms that permit the expression of nonviolent hostility. (269)

Liberality, in other words, decreases the odds of radical, extraordinary politics. This is not only because, as mentioned above in Proposition I.4, liberal institutions permit the relatively deprived masses from perceiving

themselves as having no other viable options, but further because liberal institutions actually allow for solutions to be developed.

*Proposition M.4:* The likelihood and magnitude of civil violence tend to vary directly with the availability of common experiences and beliefs that sanction violent responses to anger.

*M.4a:* Given the availability of alternative experiences and beliefs, the likelihood that the more aggressive of them will prevail tends to vary with the strength of anger. (271)

Here Gurr takes into account cultural/psychological elements—specifically, he assumes that in those instances where a mythology and/or a social psychology in which violence is acceptable exists, then the elites of the discontented masses will be able to justify open physical violence more easily. These identities, values, and so forth are not the direct causes of radical, extraordinary politics in Gurr's eyes. However they do facilitate and structure responses to relative deprivation (and, we may assume in many cases, the actual form of the relative deprivation itself).

*Proposition M.5:* The likelihood and magnitude of civil violence tend to vary directly with the extent to which the deprived occupy organization and/or ecological settings that provide (1) normative support through high levels of interaction, (2) apparent protection from retribution, and (3) congruent models for violent behavior. (274)

What Gurr hypothesizes here is that certain types of organizational arrangements are more suited for radical, extraordinary politics. This in and

of itself is not the point however—the fact that the members of these organizations are rational beings capable of understanding their advantages (and/or weaknesses) and calculate them into their overall decision-making equation infers that like any other advantage or disadvantage, these will affect the likelihood that radical, extraordinary politics will be employed.<sup>2</sup>

Arguably his masterwork, Gurr's 1970(b) *Why Men Rebel* defends the principle of relative deprivation (also see "Sources of Rebellion in Western Societies: Some Quantitative Evidence, 1970a). This work is built around one principle idea—that human beings engage in radical, extraordinary politics when the gap between their expected benefits and their real benefits becomes too great. This is most likely to happen after a period of extended economic development and concurrent political liberalization—when a crisis occurs or when the elites fear that their preeminence is on the verge of dissolving and economic and/or political quality-of-life drops for a substantial portion of society.

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<sup>2</sup> Note; I do not include Gurr's final proposition in the main body of the work because it informs Gurr's interest in predicting the intensity of radical, extraordinary politics, rather than the likelihood said politics will occur, which is of course the interest of this work. For those interested, however, the final proposition is:

*Proposition F.1:* The characteristic form of civil violence tends to vary with the differential incidence of relative deprivation among elite aspirants and masses: (1) mass deprivation alone tends to be manifested in large-scale civil violence with minimal organization and low intensity; (2) elite-aspirant deprivation tends to be manifested in highly organized civil violence of high intensity.

*F.1a:* Whether organized and intense civil violence is large-scale or small-scale is a joint function of the extent of mass deprivation and the strategic access of deprived elite aspirants to the incumbent political elite.

The year 1974 saw Gurr's "Persistence and Change in Political Systems, 1800-1971." In this work Gurr makes one of his most interesting associations. First, he points out that, contrary to much of the contemporary literature, several authoritarian, unequal political-economic systems have survived for extended periods of time—he specifically mentions the Russian Empire, the Ottoman Empire, and the Manchu Dynasty of the Chinese Empire. This leads him to question whether it is regime-type that matters or whether regime-type is in fact covering another, more significant variable. Gurr comes to believe that, in fact, regime-type is not the most significant element in predicting whether a state will experience radical, extraordinary politics. Rather, it is the directness with which states deal with their problems—states that survive socioeconomic change and/or disruption do so through managing it. States, on the other hand, that take a more *laissez-faire* attitude towards such crises, on the other hand, fare far worse, experiencing radicalism and violence at a much higher rate.

In 1985 Gurr published "On the Political Consequences of Scarcity and Economic Decline." In this piece, built in large part on the work of Tilly (1978), Gurr established that, "the greater the relative increases in scarcity, and the more rapid its onset, the greater are its negative political consequences" (54). Increases in scarcity, and in particular exceptionally rapid increases in scarcity, increase the odds of systemic upheaval due to three consequences. First, material inequalities tend to exacerbate scarcity, given that those already powerful and wealthy are more capable of acquiring

scarce resources than those who are relatively disenfranchised and/or exploited. Second, scarcity has a tendency to compel individuals to cooperate communally in an effort to acquire necessary but scarce resource—therefore we might expect tensions between communities within a state experiencing scarcity to increase radically. Finally, scarcity tends to undermine democratic states, especially fragile ones, because democracies in times of scarcity tend to become pluralistic, undermining their ability to accomplish goods and necessitating radical politics. Rapid increases in scarcity tend to make scarcity worse since it undermines the state's (and other institutions') ability to deal with the scarcity crisis *and* because scarcity *seems* worse when it cannot be eased into, preventing people from adjusting and causing greater psychic damage.

Gurr (1985, 70) also notes that scarcity and other forms of weakness tend to motivate top-down brands of revolution (he mentions Peru, Japan, Turkey, and Egypt as examples). In these instances certain members of the ruling elite fear the loss of their personal power (and often the state's sovereignty in general). They are therefore motivated to radically alter political, social, and economic structures and institutions (as well as the accompanying power, wealth, and honor patterns), even if it requires the sacrifice of 1) certain elites or even entire subgroups of the elite and/or 2) certain political, economic, and/or social privileges. This, in other words, is not so much an instance of relative deprivation as a rational prediction of future relative deprivation.

Gurr's 1993 work *Minorities at Risk: A Global View of Ethnopolitical Conflicts* is also rife with quantitatively generated generalizations. First, Gurr asserts that political inequalities are easier to dispel than economic inequalities—put differently institutional discrimination is more easily dispelled than structural discrimination. Secondly, Gurr concurs with Connor (see above) insisting that political, economic, and socio-cultural differences (what Gurr calls “differentials”) are exacerbated by modernization bringing disadvantaged groups into closer contact with dominant groups. Third, Gurr insists that a gulf between dominant culture and dominated culture is more likely to manifest itself in the form of economic disparity than in the form of political disparity. Fourth, Gurr found that, “no global or regional correlation between severity of discrimination and intensity of separatist sentiments” exists (79). This test strongly supports the work of Heraclides (see above) and his assertion that identity and perceived discrimination (as opposed to *real* discrimination) is the most significant factor in predicting the emergence of ethno-national conflict. Fifth, Gurr finds that indigenous classes tend to be most concerned about economic inequalities, militant religious sects tend to be most concerned about social rights, and true ethno-nationalists tend to be predominately concerned with the institutions and structures of the *political*-economy. Sixth, the most common predictor of autonomism, asserts Gurr, is if the group in question believes that it has formerly been autonomous and this autonomy was unjustly taken away. Finally, Gurr insists that environmental stress, demographic stress, and degree of cultural differences all exacerbate

desires for autonomy—the first because they underline the effectiveness and, in some cases, inequity of the political-economy, the latter because cultural difference highlights identity differences.

Under the sponsorship of the Center for International Development and Conflict Management, Marshall and Gurr (2005) have produced a number of works on the structural precursors of civil violence of virtually every type. One of the best known of these is the report “Peace and Conflict, 2005: A Global Survey of Armed Conflicts, Self-Determination Movements, and Democracy.” While on the whole the work’s utility lies in its strong defense of the orthodox theoretical line that predominates the literature of civil war, revolution, and the such, there are some additions to said literature of quality. Key among these is their assertion that anocracies, that is to say states which have mixed attributes of both democracies and autocracies, are far more likely to engage in radical, extraordinary politics than either democracies or autocracies (six times more likely than the former, and two and one-half times more than the latter (17). Additionally, Marshall and Gurr find that one of the most effective means of preventing the outbreak of open political violence, in particular in terms of secessionist movements, is political transparency (27). Transparency, it would seem, undermines the ability of actors to initiate violence without fear of international repercussions. Finally, Marshall and Gurr develop a six-point model of the structural conditions in which genocide and politicide are most likely: 1) when prior instances of genocide and/or politicide have occurred between the relevant groups, 2) when political



upheaval (ethnic or revolutionary war or regime crisis) has occurred within the last 15 years, 3) when the ruling elite are members of a minority communal group, 4) when the ruling elite identify some principle or purpose that justifies the oppression of or elimination of other groups, 5) when the dominant regime is autocratic, and 6) when international trade is low (demonstrating minimum interest in maintaining rule of law or fair economic practices) (58).

Uvin (1999) asserts that there are three main causes of genocide and civil war, or as he puts it, reasons that “ordinary people kill ordinary people” (263). First, people who have long experienced bouts of violence with each other, physical or otherwise, fear each other. War and mass-killings, then, may be attempts to end this fear. Second, Uvin asserts that people who have long antagonized one another tend to be prejudiced against one another. In the light of this prejudice interaction without rules to achieve one’s goals is morally acceptable. Third, people have a tendency to employ violence against one another as an act of revenge—an attempt to get back at one another for past (perceived or real) crimes that have gone largely unpunished. In a situation of fear and prejudice, we can only imagine that reasons for revenge are prolific. Uvin also adds that there are two other motives that, while less significant, may play part: 1) killing presents an opportunity to improve one’s political or economic status and 2) killing is a way for ordinary people to demonstrate their obedience either to the group or to particular elites.

Collier and Hoeffler (2000) present an economic theory of the causes of ethno-nationalist war. They assert that in order for ethnic groups to develop a strategic base of resources (both labor and capital) they must have a relatively high population vis-à-vis the total population of the state in which they reside. As ethnolinguistic fractionalization increases, Collier and Hoeffler assert, the relative capacity of minorities to resist the system decreases—their internal and external sources for capital and labor shrink rapidly as fractionalism increases. Therefore, we can assume, claim Collier and Hoeffler, that as ethnic diversity increases, propensity for radical, extraordinary politics decreases. Whether this perspective will borne out in the long-term, however, is questionable—consider the cases of Indonesia, Bolivia, Russia, India, Burma, and the Democratic Republic of Congo just to name a few.

I began this review of the literature on ethno-national conflict with an explicit emphasis on the unscientific nature of the primordialist approach to the study of war, that is to say those hypotheses that infer that 1) identity is biologically constructed and 2) that Darwinian impulses naturally compel and require conflict over limited resources between people of various biologically constructed identities. I would like to conclude by noting that this myth itself can have influence on the behavioral patterns of individuals within particular states. Prunier (1970) and Uvin (1999) note that groups will frequently develop myths that villainize one another in an effort to either justify their dominance or to explain their failures. Ultimately, the tensions between

groups, exacerbated by social, political, and economic inequities (which are often reinforced by the aforementioned myths) lead one or both groups to actually participate in open violence against one another. Once violence is routinized and all groups have begun to completely discount the others as peers (a sort of “social death”—see Uvin 1999, 253), then the killing of members of said group on a wide-scale presents little moral conundrum. In other words, mythological violence (a manifestation of indirect violence) ultimately legitimates efforts to engage in open, direct violence.

## **The State Failure Task Force**

Evolving out of a project begun in 1994, the State Failure Task Force (SFTF), now the Political Instability Task Force, has assimilated an enormous number of databases into a single, incredibly in-depth analysis of extraordinary, radical political events—in particular revolutions, ethnic wars, adverse regime changes, and genocides/politicides (Goldstone *et al.* 2000, V). The SFTF’s work has concentrated on testing structural effects, rather than psychological, rational choice, or other effects, though it has addressed some cultural issues. These, however, have been addressed largely in terms of culture as a static condition, rather than as a changing, dynamic structure. The quality of the SFTF’s data is among the highest available as well—they have correctly “classified” (on the global scale) 70- to 80-percent of all states (with regards to predicting whether they are failure-prone or not failure-prone (V). While this is impressive, it is also important to note that 1) there remains a

30% to 20% margin for improvement and 2) classification is not the same as powerful, real-time prediction.

The important, general findings of the SFTF are varied. First, all forms of radical, extraordinary politics tend to beget other types of extraordinary politics—chaos, it would seem, begets more chaos. This is probably because the opening of hostilities tends to exacerbate rather than relieve tensions and discontent, and because the cruelties that tend to accompany such upheavals tend to radicalize identities and mythologies (6). Additionally, the SFTF has found that while the Revolution of 1989 that ended the Cold War led to a short period of disorder and upheaval, in the long-term the fundamental relationships that produce radical, extraordinary politics have remained largely unchanged (6). The SFTF also confirmed that poverty (as measured in infant mortality) and regime type are powerful predictors of tendency to radicalization of politics (14). The effects of regime type, however, are not what one would necessarily expect. Autocracies and democracies fail, shows the SFTF, at almost exactly the same rate. Contrarily, anocracies, that is to say states which elements of democracies and autocracies, fail at seven times the rate of either democracies or autocracies. This is probably because anocracies fail to provide the legitimacy of democracies and, unlike authoritarian states tend to be unable or unwilling to crush resistance. That said, authoritarianism was a key structural condition present in states that experienced genocide, as was low trade openness (45), both of which are indicators of both low systemic equality and low interstate oversight.

Additional structural conditions associated with genocide are ethnic and ideological propensities among elites that legitimate violence, a low degree of religious diversity, and a history of previous violent upheaval (45)—all of which mirror the work of other theorists of genocide and ethnic warfare (see above).

## **Theories on the Genesis of Radical Religious Fundamentalism**

The literature of religious fundamentalism, largely though by no means exclusively a sociological or anthropological literature, is a relevant addition here for a number of reasons. First, it is explicitly a literature on why human beings reject their contemporary political, economic, and social system in favor of a reinterpretation of previous one. Secondly, it is one of the most significant political movements of the last several hundred years—arguably as significant as the rise of the nation-state and Marxist states and potentially as significant as the Protestant reformation. Fundamentalist movements are, after all, transnational, transcultural, and present in literally every country on Earth. Third, while modernist and ethno-nationalist ideologies are well captured in the above literature, religious fundamentalism is somewhat neglected—in order to insure that it is not a blind spot, I include it as well. Finally, it is worth adding an obvious addition to the broader literature on domestic upheaval if for no other reason than to acknowledge religion's potential significance—after all, as Hall (2003, 360) notes, “until recently,

scholars studying violence tended to ignore cultural dimensions altogether (Theda Skocpol on revolution is an iconic case).”

Before beginning this survey, it is worth noting that no useful contemporary social science approaches to religion and culture are deterministic (Lindsay 2000). Culturalist explanations that work on the approximate logic of “China behaves the way it does because it is Chinese” are tautological—they explain everything and therefore nothing. Rather, culture must be considered as an element of human society, constantly mutating and amalgamated with politics, economics, and the wide savanna of human endeavor. The approach taken in this paper will emphasize this, emphasizing culture and cultural structures as manifestations of human rationality, and most importantly here, transformations of human rationality on a large-scale.

An additional point deals with the term fundamentalism. Fundamentalism, which originally referred to a brand of American, Protestant Christian religious reformation in the late 19<sup>th</sup> and early 20<sup>th</sup> Centuries, is generally taken to describe any religious movement which states that the current orthodoxy is incorrect or warped and that serious reform of the socioeconomic system, via political intervention, is necessary. In other words, fundamentalism is simply neotraditionalism that emphasizes religious elements. Otherwise, fundamentalist movements are virtually the same as other neotraditionalist movements on the definitional level—all such movements attempt to reform the contemporary system by returning to

certain 'fundamental' roots of a previous period in space and time. This reinterpretation, of course, is never the same as the original, emulated ideology or way-of-life. Rather, it is a constructed imitation that emphasizes certain points, usually to the advantage of the political elites leading any given movement, while ignoring others. Furthermore, fundamentalism, like most neotraditionalist movements, be they rationalist or romantic, makes the most of contemporaneously available technologies. The result is that all efforts to reform, whether they are ostensibly modernist or revivalist, secular or religious, remain firmly rooted in the circumstances of their time—thus all modern ideological movements are modern.

There is almost universal agreement among theorists of fundamentalism and most other modern brands of religious revivalism that these religious movements are a response to modernity, or rather to consequences of modernity (An-Na'im 1999; Demerath 2003; Esposito 1998; Fox and Sandler 2004; Haynes 1994; Jurgensmeyer 1993, 1996; Lewis 2004; Marty and Appleby 1991; Mendelsohn 1993; Mittleman 1996; Pasha 2004; Pasha and Samatar 1996; Rist 1997; Sahliyah 1990; Soros 2002; Stiglitz 2002; Tehranian 1993; Tétreault 2004; Thomas 2000; Uvin 1998; Waterbury 1994; Zubaida 1993). As in any serious systemic reformation, modernization displaces and alienates certain groups while improving the lots of other groups—even under the best of conditions. Displacement and alienation then breed 1) an overly picturesque vision of past socioeconomic-political conditions and 2) a desire to return to this former condition. This effect,

logically, is magnified in those instances where modernization has failed to improve the security, stability, quality-of-life, and so on in a given society.

We may rightly say, then, that in states where modernity has failed the population has effectively been propelled directly from a relatively stable pre-modern state-of-affairs into a desperate search for validity and proper action, a sort of political post-modernism (Hall 2003, 374; Juergensmeyer 2000, 227). Additionally, Marty (2005) adds that this reaction is further exacerbated by the depth and breadth of modernization's ability to penetrate the lives of those who wish to avoid it—modern communication and transportation technologies make modernization virtually unavoidable. Religious fundamentalism, at least as it currently exists, is a shift from rebellion through self-imposed isolation (away from the temptations of the world) towards rebellion through converting the political system (thereby eliminating many of the world's temptations). Marty notes that:

Leaders like Falwell rationalized their about-face [from advocating political, social, and economic isolation], repeatedly explaining that earlier the leaders [of fundamentalist Christianity] thought they could keep the world of strangers at a distance. Thus the excluded could not easily contaminate, pollute, ore beguile the faithful. Now, however, mass media such as television made it impossible for anyone to block the signals of the world. Somehow the children of even the most disciplined families would find access to such signals, or the signals would



them. These held such enthralling power to shape outlooks on life that by the time parents tried to set examples or to instruct their own children, it was too late: they had been preformed and perverted by the alien influence. For that reason, such fundamentalists reacted. They *had* to react. Our studies show that the concept of reaction in response to the threat of the stranger was the most decisive element in turn classic conservatives, the orthodox, or traditionalists, into modern fundamentalists (Marty 2005, 15-16).

Modernization, then, may not merely transform by alienating, but further by threatening traditional identities and values with accessible alternatives.

An-Na'im (1999) adds that this discontent is then strengthened by the, "common perception of Western bias and bad faith," in modernizing (and specifically Islamic for An-Na'im, though surely this holds among other cultures as well) states. Regardless, the normal state of affairs is that the orthodox system generally attempts, in politically illiberal systems, to undermine or repress these movements—the down shot of which is that if these efforts of repression are not properly conducted they actually *enhance* the legitimacy of fundamentalist or neotraditional movements (Hall, 2003, 378; Adas 1979).

There are two similar but slightly different perspectives on what conditions are most conducive to the appearance of fundamentalist

movements. On the one hand Demerath (2003: 231) asserts that fundamentalism is a reaction to *sustained inequity* pointing to Poland and Latin America as examples. This sustained inequity is hypothesized by other students of radical, extraordinary politics to originate from two sources. In the first case, state oppression and authoritarianism produce discontent especially in corrupt, personalistic regimes (Goldberg 1992; Halliday 2000; Juergensmeyer 1994; Tétreault 2004), a hypothesis that mirrors the liberal peace theories. Secondly, Ali (2002), Esposito (2002), and Tétreault (2004) associate fundamentalism with the presence of imperialism, be it perceived or real. The potential of imperialism as an aggravator seems rational for a number of reasons. First, if a system is in the throes of another it generally becomes a gross loser economically and politically—independence becomes, at best, a mere formality. Secondly, imperialism is explicitly counter to all conceptions of legitimate government currently held, including all variations on nationalism and social contract theory. In formally or informally colonized countries, sovereignty is not only not held by “the people,” it is not even held by a monarch, dictator, or politburo that pretend thereto. Third and finally, imperialism, real or perceived, holds the threat of cultural transformation and the extinction of traditional political offices, economic structures, languages, artistic styles, and forms of religious expression.

Denemark (2004), Roberts (1994), and Tétreault (2004) insist that fundamentalist movements are usually a response to *rapid socioeconomic change*. Both theories blame systemic failure, however the former infers that

fundamentalism is a response to gradual recognition and the gradual collectivization of dissatisfaction, while the latter emphasizes instability and the sudden appearance of a legitimacy gap. Both seem credible and both have precedents in the literature of revolution above. Again, there is a correlation here with the literature of revolution, specifically with regards to the work of Brinton (1952), Davies (1962), and Tanter and Midlarsky (1967: 271) and theories of “legitimacy gap.”

Hall (2003), building on the cumulative work of Sorel (1906), Jenkins (1975), Scott (1985), Basu (1995), Eisenstadt (1999), McVeigh (1999), Juergensmeyer (2000), and Jackman (2001) posits that religious violence is indeed a response to all of the above issues. That said, he states that the above conditions, not to mention the explicit repressions of certain systems, constitute not merely an inconvenience but further a form of violence. This violence may be physical, socio-economic, or even symbolic in nature, but the key is that perception of violence legitimates acts of retributive violence in the eyes of radicals. In other words, Hall asserts that perceived injustice on a large enough scale over a large enough period of time legitimates radical fundamentalist politics.

Like other radical movements, radical religious movements, regardless of their origins, are attempts to revolutionize the social and economic circumstances within a particular system through the explicit mobilization and/or replacement of the political system (Reuveny 2004; Rubin 1995). All radical ideological movements, radical religious movements are explicitly

political (Boyer 1992; Hall 2003; Pasha 2004; Roy 1994; Roth 1975; Tétreault 2004; Weber 1925), that is to say they are explicitly politically reformist (and arguably reactionary). This has two consequences. First, because they are a challenge to the contemporary authority, they ultimately tend to necessitate political violence (Boyer and Nissenbaum 1974; Fredericksen 1999; Goldberg 1992; Tétreault 2004), even when certain elites are sympathizers with the reformation process (Stegemann and Stegemann 1995). Radical religious revolutions, like social revolutions, are therefore (hypothetically) destined to violence using virtually the same logic of as both classical and neo-Marxians—no one gives up what they have without a fight. Second, if radical religious efforts to transform the system in which they appear hope to gain success then they must secure their legitimacy through standard, mundane political activities. Fox and Sandler (2004) and Gopin (2000) note that in successful efforts to gain support, fundamentalists have emphasized the development of health, education, and welfare programs, not to mention engaging in wealth reform—activities which parallel directly the historical experiences of undeveloped states experiencing social revolutions. Furthermore, radical religious movements cannot hope to establish a state capable surviving competition with modern secular states, states with a vested interest in undermining and overthrowing these new religious states, without utilizing modern political tools. Thus modern propaganda techniques, modern militaries and bureaucracies, and other modern technologies and techniques (including the mobilization of nationalist sentiments) must be and

are utilized just as much in religious revolutions and their products as in secular revolutions and their products (Shupe 1990: 22; Juergensmeyer 1995: 388).

With regards to the relative importance of identity, An-Na'im (1999) builds on the work of Tarrow (1994, 5), and echoed by Hall (2003, 363) noting that the recognition of common interests among discontented individuals is not enough to allow for communal religious disestablishmentarian. Rather, "deeper-rooted feelings of solidarity or identity [must be tapped]." (An-Na'im 1999, 110) It is imagined ties such as religion (or nationalism or ethnicity) that allow for "common devotion" to amalgamate around shared interests, and we must assume, shared symbols.

To summarize—the literature on religious revivalism and fundamentalism indicates that causes of these socioeconomic/political movements are, at their root, reactions to virtually the same conditions which theorists of revolution assert lead to the appearance of their subject of inquiry (al-Azmeh 1996; Demerath 2003; Habermas 1991; Juergensmeyer 1995; Shupe 1990; Tétreault 2004). There are two possible implications. On the one hand, religious movements such as fundamentalism have virtually the same roots as revolution and other large-scale systemic changes, yet these transformations are alienated from one another, an example of convergent political evolution. On the other hand these two transformations are part and parcel of the same process. As Demerath (2003) points out, the stimuli that lead students and college graduates to support radical anarchist and

communist movements are virtually the same as those that lead individuals of the same class to become fundamentalists—the different parties have simply been enticed by different ideologies promising the same *general* outcome—a moral, just socioeconomic and political system that succeeds in providing its participants with the best possible standard of living. This latter hypothesis is significantly more persuasive—even more so if we assume that religious transformation and movement are merely part of a broader ideological and value reorganization and it certainly fits the mindset of Arendt (1963) and Tanter and Midlarsky (1967), both of whom insist that all revolutions are attempts not to innovate radically new understandings of the world, but ultimately to restore former liberties, privileges, and/or security.

## **The Role of Elites in the Genesis of Radical, Extraordinary Politics**

Machiavelli felt that all states must ultimately collapse, if not from outside interference or from unpredictable calamity (the ills of *Fortuna*), then from natural internal degeneration of the state in question. Essential here is an understanding of what Machiavelli means in his use of the term “state.” A state is a government, the individual or individuals, or bodies of individuals in whom the sovereignty over a people and a country/territory is vested.

Therefore to say a state degenerates is to say that the individuals in whom political power is vested, regardless of how they came to be vested with that power, become incapable of effectively wielding power. Therefore the

degeneration may originate from the adoption of ideologies, philosophies, and/or religions that are not viably applicable to statecraft. Just as likely, however, is the case of what Machiavelli would call “effeminization” and what I shall call political inebriation. In this case the sovereigns become complacent and unresponsive, increasingly disinterested and incompetent with regards to matters of state. Political inebriation is ultimately the result of the sovereign(s) spending too much time enjoying the yields of their success and inadequate time concentrating on the maintenance and continued expansion of their particular power and stability. As Machiavelli states in *The Prince*:

Thus, on the other hand, if Heaven be so benevolent that it [a state] never has to wage war, the idleness would result in making it either effeminate or divided; these two things together, or each one in itself, would be the cause of its ruin. (Bondanella and Musa 1979, 192)

Put contrarily, when establishment leaders become obsessed with ends that are not relevant to the maintenance political stability, regardless of whether those ends are economic, social, artistic, or such have you, then they have begun the process of acting incompetently and thereby opening the window to effective political resistance. Machiavelli emphasizes the ability of warfare to delay such inebriation precisely because warfare emphasizes a rationale of stability and political-centeredness, not to mention providing a steady flow of

statesmen with the virtues and experiences, strategic and tactical, of *seasoned* veterans.

On the other hand, if disestablishmentarian elites become obsessed with non-practical ends, for instance allowing themselves to become bogged down in ideological purity prior to the acquisition of power or the “art” of revolution, then they are most likely to be ineffective. College and university coffeehouses are flooded with the flotsam and jetsam of “revolutionaries” who are eternally writing essays, painting, writing poetry, and spouting ideals but have never been willing to sacrifice these niceties to form a cell, study bureaucracy, or develop a cellular organization mechanism.

This sentiment is present in the work of China’s first realist political philosopher of note, Han Fei Zi (or Han Fei Tzu). Han Fei writes at some length about the dangers elites of the ruling regime risk when they allow themselves to become obsessed with the pleasures of their office, or even with the minor issues thereof, at the expense of strategic and tactical concerns. He gives the example of a ruler who sent beautiful musicians and dancers, as well as fine horses, to his rival, knowing that once he did, his rival would become bored with state affairs and ignore the maintenance of his defenses, allowing for invasion and/or rebellion (Watson 1964).

To return to Machiavelli briefly, it should be noted that Machiavelli also discussed whether or not the leaders of states should seek to be feared or loved. Ideally, posits Machiavelli, the great leader will be both loved and feared – awe combined with a worshipful sentiment is the highest pinnacle of



influence. Yet, this state of affairs is rarely possible considering the conflicting concerns of statesmen. Thus Machiavelli, following the assertions of the Athenians in Thucydides' *The Peloponnesian War* (specifically the Melian Dialogue), asserts that fear is the superior of the two emotions to culture – love fades as soon as the tide turns, but fear is remembered for a very, very long time. Where Machiavelli nuances his premise, as compared to Thucydides' Athenians, is that he explicitly differentiates between fear and hate. Fear is simply a cost/benefit/risk ratio. Hate, on the other hand, implies that the person experiencing the emotion may be willing to sacrifice disproportionate amounts in order to accomplish their goals. Hate is obsessive, it is patient, and it is easily transmitted from generation to generation. Therefore, elites have only two options when dealing with serious grievances, regardless of the cause of these grievances or the vertical or horizontal orientation of the grievance formation. First, and usually less expensively, these grievances may be addressed and undermined. Alternatively, the aggrieved must be utterly destroyed. Note that Machiavelli does not use terms such as disempower – he assumes that great emotions such as hate will motivate the disempowered to seek out new resources, new vectors of power. Rather, Machiavelli asserts that the aggrieved must be wiped out – he recommends wiping out their families as well.

Troubling as this is, it is moderated by the fact that Machiavelli assumes that political grievances are usually understood, formulated, and disseminated by elites – if this is the case then the many may be controlled by

dominated and, in the worst case, destroying, a very few people. Further, this is part of his justification for the institution of the republic – republics, which are representative bodies, are usually moderate in their form and function, and therefore less likely to create the kind of enemies who necessitate such violence, and they are more likely to choose to placate demands rather than crush dissent.

Thomas Hobbes, who, as mentioned earlier, wrote of the indivisibility of the state and sovereignty, regardless of the rhetoric employed by “democracies” and other representative forms of government, asserted that revolution was largely the product of orthodox elites forgetting that they had achieved their power by entering into a social contract, whether explicit or implicit. As long as elites maintain the quality of life for the average citizen and do not waste resources or lives in frivolous activities, elites are likely to remain unchallenged. If their success results in demands of social, political, and/or economic concessions, the leader is wise to either crush these or give in. Why? Because even though Hobbes does not believe that elites are ever morally obliged to hand over their power, violation of what the common people believe to be theirs (for instance, freedom of religion, the ability to practice their trade and enrich themselves, and so forth) will inevitably result in violent reprisal.

Early liberal theorists, including Locke and Rousseau, primarily discuss elites in terms of the bounds of their legitimate action and the sources of their legitimacy. With regards to warfare, this specifically implies that acting in a

method or manner that violates the social contract *naturally* leads to revolution. This is not to infer that individual disestablishmentarian elites are not seen as taking part in both the foment of revolution or in the determination of said revolution's outcomes. Rather, liberal thinkers have tended to assert that disestablishmentarian elites will inevitably appear to enforce 'justice' when it is denied. Burke does not entirely dismiss this paradigm, but he does attempt to explicitly limit it, asserting that revolution is a *symptom* of bad government, but it is not necessarily a *cure* for bad government. His perspective is sometimes overstated, however, with some conservative liberals asserting that violence is never an effective more morally justifiable method of acquiring justice – after all, Burke did support the American Revolution. What troubles Burke the most is when radical disestablishmentarianism goes to excess, intentionally transforming not only the polity, but society and economy as well.

Traditional Marxians tend to assert that the elite role in revolution is, simply put, to play the role of elites. Elites who side with revolutionaries fulfill key political, military, ideological, and economic roles, and, and this is particularly essential, establish what Theda Skocpol calls “marginal elite political movements,” that is to say they establish the ideological and infrastructural arrangements and materials necessary to mobilize other sectors of society, allowing for recruitment as well as preparing for the practical concerns of radical, extraordinary politics (1976a: 178). Implied in this process, in particular, is that marginal elites are largely responsible for the

formation of revolutionary ideologies and for drawing the lines of revolutionary schisms.

On the other hand, Leon Trotsky (1937a, 1937b) varied from this ideological hard-line, but not in a particularly dramatic fashion. Trotsky insisted that elites were not responsible, per say, for the fomenting of revolutions, following the classical Marxist line to the letter, but varies by asserting that the moral qualities and particular skills of elites, the revolutionary vanguard, affected the behavioral goals and outcomes of revolutions. That said, he feels that these personalities become significant only when, as Gottschalk (1938: 339) notes, they embody fundamental necessities of historical, objective necessity.

Gottschalk (1938) frames the importance of this Trotskyian belief structure by noting that while everyone will admit that all revolutions share at least some traits in common with one another, there are necessarily differences between revolutions, with particular reference to the conduct of the revolutionaries both during and after the revolution. These differences, Gottschalk insists, Trotsky assigns largely to differences among revolutionary elite – if there are “cultural” differences in the evolution of political-economies, these are either insignificant or the product of said society’s contemporary technology/political-economic hierarchy – they are, in other words, effects, not causes.

Intriguingly, and perhaps even contrary to his other assertions, Trotsky (1937a) also recognizes that elites play an essential role in determining the

timing of revolutions – Gottschalk (1938: 343) quotes him as noting that had Lenin not acted decisively when he did, the Russian Revolution may not have occurred. This implies that elites do not merely play a historically determined role, but rather play an essential role – elites must recognize (or define) a particular moment as *the* moment for revolutionary action. In Trotsky's eyes this does not confer upon them the title of "cause", but to non-Marxian scientists, this implication is undeniable.

In his 1968 article, "Some Origins of Nationalism in East Africa," J.M. Lonsdale asserts that in studying the rise of nationalist movements we must assume that in each society there are two "classes." One of these, which consists of the vast majority of the population, are what he refers to as the unconscious element – the popular element whose latent strength and support is essential to the exercise of power. Alternatively is the conscious element, the political elite - in the case of colonial east Africa this element consisted of those elites who support the exploitive colonial structure and those who advocated a transfer of power to native elites, as well as traditional "communicators" – tribal elites whose power was largely founded in their official capacity as intermediaries between colonial governors and native peoples. Lonsdale goes on to point out that a key indicator, *post facto*, of course, that the east African states were developing anti-colonial movements was the growing influence of non-traditional elites over the general population, elites who the colonial government resisted awarding influence. This holds two implications – first, shifting influence of elites who are not the

prime elites, the elites with control over the military and police forces, may foretell changes in the nature of politics (from ordinary politics to radical politics, or even radical, extraordinary politics). Secondly, Lonsdale is highlighting a key area in which orthodox elites may successfully undermine the development of counter-orthodox political-economic movements. Had the colonial rulers allowed non-traditional native elites greater influence over their affairs, it is possible that independence may have been staved off, or even wholly denied – non-traditional elites would have had more to lose and less to gain by opposing the present state of affairs.

There is a second implication in Lonsdale's work, though it is less clearly enunciated. Lonsdale assumes that the only way for the native Africans to throw off the chains of European colonialism was to develop domestic institutions of similar strength and scale, what Lonsdale (1968: 142) specifically calls the, "shift in mass concerns from a political focus that was diffuse or local to one that was central." In other words, had tribalism remained the dominant political ideology, there would have been no means or method of developing a meaningful resistance to the nation-states of Europe. Nationalism was the product of native elites, frequently educated in European states intentionally creating national identities (through schools, propaganda, writing native histories, and so forth), as well as the standardizing of national experiences (through the colonial economy, migration, and the influx of world-religions). Both of these processes are essential – the erosion of classical political-economic structures through the latter processes only takes on

conscious strength, the method to employ along with the means, through the effort of, in this case, nationalist elites. The socio-historical circumstances may create the appropriate political-economy for radical, extraordinary politics and the adoption of new institutions and structure, but it is elites who give meaning to those circumstances, who interpret them and give the masses a set of goals and justifications for those goals. Today virtually the same process could be seen as being at work in numerous states, though religious, fundamentalist elites are as active as various ethnic minorities.

Barbara G. Myerhoff (1971) asserts that elites play an essential role in all forms of radical politics by resolving the contradiction essential to all revolutions – the conflict between ideal, even utopian goals and practical political-economic concerns. Elites, in other words, must be able to convince substantial masses of the moral imperative and potential improvements in quality-of-life that will *ultimately* accompany radical transformation while simultaneously advocating strict discipline in the face of immediate losses in quality-of-life. Inevitably, one of these concerns must give, asserts Myerhoff, and the question only remains which. The difference between quality elites and inferior elites lies in their ability, or lack thereof, to convince the general population of the necessity of risks and sacrifice in the quest for long-term good. The inability to resolve the contradictions between practical and idealist imperatives yields only defeat.

All this said, a question of relevance remains – what does this point mean for those of us interested in predicting the *onset* of, rather than the

outcome of, radical, extraordinary politics. I would assert that this principle is just as relevant prior to the event as it is after the event. Consider – if counterorthodox elites are unable to resolve the practical problems associated with developing forces, arming, and training them, they are unlikely to even attempt *extraordinary* politics – radical ordinary politics, perhaps, but not radical, extraordinary politics. If sacrifice cannot be, for lack of a better word, “sold,” by what means will revolutionaries and their ilk acquire resources (human included) to accomplish their goals? And, indeed, if the ideals cannot be sold, then the trying to sell sacrifice is simply moot.

In his discussion of the causes underlying the development of the American Revolution, Joseph D. Reid, Jr. (1978: 99-100) reiterates, with a twist, a theme that numerous other theorists (Fox and Sandler 2004; Gopin 2000; Shupe 1990; Juergensmeyer 1995) touch on in a much more general form:

But if the constitutional rhetoric of the Revolution little swayed sentiments or loyalty on either side of the Atlantic, it did identify an important subset of colonists—colonists willing to coordinate and police protests and later to plan battles. By building and then occupying the organs of an alternative colonial government, the first rebels disproportionately bore the costs of a public good, government, and thereby lowered the cost of revolt to the mass of colonists. Thus, the constitutional rhetoricians facilitated the Revolution by deeds, not words.



While many theorists note that potential revolutionaries, in order to gain adequate public support for their venture, seek to establish an alternative source or set of sources for essential services usually provided by the state. What Reid adds to this principle are two inferences. First, that these services not only are useful in terms of their utility as recruitment tools, but further in that they ultimately lower the costs of opposing the orthodox state. Elite actions, thus, can increase the odds of an onset of radical, extraordinary politics by simply lowering the costs and risks relative to the potential benefits.

Secondly, Reid's analysis points out that the establishment of this alternative state structure, as well as the formal promulgation of revolutionary rhetoric and symbolic statements, identifies those leaders most equipped to incite rebellion, not to mention those leaders most willing to accept the inherent costs and risks of such ventures. What one may additionally imply from this principle is that these activities not only presage the state, but prepare the radical elite for more complex tasks – specifically an explicit and violent contest with the state.

In his 1986 piece "Gramsci and the Legitimization of the State: The Case of the Senegalese Passive Revolution," Robert Fatton, Jr. adeptly summarizes Gramsci's principle of "passive revolution," a concept which is roughly coincident with other authors' (1971) principle of top-down revolution, or revolutions which are instigated by the elite, or key sectors of the elite, of a particular state. Using a Marxian framework, Gramsci and Fatton assume that passive revolutions are in fact counter-revolutionary

actions, intended in their whole person not to improve society (which may be an incidental product of such revolutions) but to guarantee that the political-economic structure is renovated to such a point as to prevent the ruling elite from losing their influence and power sum whole. Whether one accepts their premise that revolution can be conservative or whether one assumes that it is merely a different form of radicalism, one that entails its own set of costs and risk (even if these are less substantial), the general principle remains fairly sound.

Ultimately, passive revolutions are the product of an “organic” elite developing a rhetoric and program of reform which co-opts large parts of their radical opposition’s (or potential radical opposition’s) rhetoric or program *or* which provides an alternative and more attractive (perception of lower cost/risk, high potential benefit) rhetoric and/or program. Fatton employs an intriguing term for this process – defusion. In the case of a passive revolution, the goal of the orthodox elite is to defuse the organic crisis, that is to say the full-scale crisis in legitimacy of the socio-political-economic system, by step-by-step addressing the points of exploitation (real and perceived) in their state. By doing so, they manage to hold on to some, and in many cases most, of their political and economic power even though substantial amounts of power have been allotted to exploited peoples. This term also implies that there is a necessary effort to undermine the depiction of the crisis as a single problem – the goal is to portray it as a series of discrete problems, a process which makes the situation less useful to radical rhetoricians and which allows

such elites to sacrifice a few “guilty” of their own number without accepting that the system as a whole deserves some sort of condemnation.

Of particular interest in recent work is also the question of “greed” versus “grievance” – specifically, are human beings more likely to seek to engage in radical, extraordinary politics in search of “loot” (a product of relative inequity in the distribution of natural resources – thus, these theories fall largely in the bounds of Malthusian theory) or in search of redress for previous or standing injustices (see de Soysa 2002 for an overview of the literature dividing contemporary work into these two camps)? While the literature has produced mixed findings – some authors supporting one hypothesis and other the other, an intriguing potential role for elites is highlighted here. Specifically, in those instances wherein the primary motivation might be “greed”-oriented, it is elites who actively *create* grievances. The unequal distribution of natural resources, for instance, may simply be an accident of meteorology or geology – hardly a justification for bloodshed. But elites are capable of creating social explanations for the imbalance and then utilize this rhetoric to justify the establishment of an alternative political-economy. Indeed, they are likely to use the shared experience of lacking access to the said resource or resources as a basis for the identity of the counter-orthodox group. This premise, it should be noted, should hold in both the prediction of domestic and international political violence.

Indra de Soysa (2002), as part of her review of the “greed” versus “grievance” literature specifically considers the work of Samuel Huntington and his various theories on the role of civilizations in conflict development, both internationally and domestically. While her work, on the whole, refutes Huntington’s own, she does specifically find that two of Huntington’s civilizations are far more disposed to conflict than all others – specifically the Islamic *Umma* and the Roman Catholic world. She explains this by noting that:

. . . conflict is likelier in societies where church and state are driving competing authorities and possibly emasculating political institutions that mediate between state and society. Moreover, institutional factors that give the Catholic church and the mosque and organizational advantage for mobilizing people possibly allow greater degrees of conflict through communal polarization than through hatred of any defined other. (411)

De Soysa then goes on to note that pluralism seems to negate the ability of Roman Catholicism and Islam to mobilize their populations, thereby increasing the stability of the state as a whole, particularly in terms of creed-related conflicts (less so, however, in the case of resource-related conflicts) (413).

In his 2002 review of the quantitative literature of civil war studies, Sambanis discusses three key findings on the role of elites in the formation of radical, extraordinary politics. First among these is the work of Gates (2002),

who asserts simply that, all other things being equal, in the competition for allegiance that is taking place constantly between orthodox elite and disestablishmentarian elite, disestablishmentarian radicals will be able to recruit more effectively the closer their metaphorical distance between potential rebels and leaders. In other words, the more ethnically, religiously, socioeconomically, etc. similar potential rebels and elites are, the more likely said elites are to be able to successfully recruit.

Second among these is the work of Brown (1996), who finds that the most proximate cause of war is “bad leaders”, that is to say leaders who are more interested in wealth accumulation than normal, or leaders who seek to mobilize sub-groups in such a fashion as to both reinforce identities and cleavages between groups.

Third, Sambanis discusses the work of De Figueiredo and Weingast (1999) finds that elites whose power is rapidly declining have a strong incentive to manipulate their people’s sentiments in such a manner as to encourage radicalism. Specifically, they do this by portraying their own loss of power as increasing the odds that the masses will be victimized – this fear of structural and/or institutional violence then leads them to preemptively strike and thus reinforce their (and coincidentally, their elites) relative power in society.

Robert Blanton, T. David Mason, and Brian Athow (2001) posit that variance in the policies of the two most expansive colonial empires in Africa, those of France and Britain, explain in part the different propensities of their

their states to experience radical, extraordinary politics. While the former colonies of both empires are constituted of numerous ethnicities stratified horizontally, only one of these empires employed a stratified ranking of all ethnicities.

The British Empire, on the one hand, employed a system in which local, traditional leaders were largely left unmolested so long as they continued to pay their taxes and contribute what was required of them. In each state there was, of course, an exception – one of the smaller ethnic groups was inevitably elected by the British to serve as both the colony's civil service and military. These received advanced modern training, either in the form of extensive modern educations and/or in the form of advanced military training. This ethnicity existed almost solely to act as the “communicators” (which of course sometimes involved full-scale warfare) between London and traditional leaders. Otherwise, traditional systems of political organization (though not necessarily economic organization) were left largely untouched.

Contrast this to French organizational methods. The French goal was not merely to rule, but to fully assimilate conquered peoples into a “Greater France.” The colonial governments conducted all work in the French language and strongly encouraged all commerce to be conducted using the same language. Virtually all political power lay in the hands of either officials in Paris or the French governors appointed by and for Paris. Indigenous local elites were given no discretion. Core cities were established in each colony in which the vast majority of political and economic power was

concentrated, and if local elites hoped to take advantage of these resources then they had to assimilate to the French culture – political, economic, and otherwise.

Both Britain and France sought to control their populations in part by the manipulation of traditional elite, but in profoundly different ways. The French sought to obliterate traditional community ties and the power of traditional elite, not to mention all incentives for maintaining traditions. The British sought to employ a divide-and-conquer system, one which actually accentuated the power of traditional elites. The former system eroded tribal and other traditional loyalties, and with them grievances, whereas the latter at minimum did nothing to weaken them and may have actually strengthened them by accentuating grievances.

Put simply, Blanton *et al.* assert that in those former colonial states where, prior to nationhood, the colonial power failed to effectively destroy the bases of traditional leaders' power through means of assimilation, ethnic warfare is likely, in part because traditional grievances survive, but in part because traditional leaders are still capable of exploiting former and contemporary grievances (and, frankly, are still capable of existing). Also, as in the French system, states in which there is an explicit hierarchy of ethnicities tend to be more effective at repressing minorities – thus, even if traditional identities survive, they are less likely to be able to acquire the means of resistance.

To summarize, let us identify the various theoretical threads that unite these various traditions. We can begin with classical realist theories, which inform us as to why elites of the state and other elements of the orthodox system fail to anticipate the onset of radical, extraordinary politics. In the first part, some elites are simply bad at what they do, becoming overly absorbed in, as the American musical group Cake put it in their song “Commissioning a Symphony in C”:

So you’ll be an Austrian nobleman, commissioning a symphony in C, which defies all earthly descriptions. With money you squeezed from the peasants, to your nephew you can give it as a present, this magnificent symphony in C, you’ll be commissioning a symphony in C.

Alternatively, realists insist that ruling elite frequently forget that there are a number of tools-of-state, and that elites often forsake the development of the state-as-a-whole (in terms of economic health, employment, development of infrastructure, and so forth) in favor of immediate gains in hard power (specifically military, intelligence, and police capabilities) – a process which not only alienates sectors of the general population but furthermore decreases long-term capabilities, including flexibility in times of crisis. Of course this secondary assertion is echoed, though often in far more sentimental terms and with infusions of philosophical claims about the nature of political justice, among liberal theorists.



Rational choice theory, in the politics of war in particular, tends to ascribe to political elites an identity that is essentially indistinguishable from that of the state – one thinks of the ultimate monarchist declaration by Louis XIV, “I am the state.” In this regard, we may consider the role of disestablishmentarian elites to be, frankly, the threefold. It is the elites who lead said movements who are largely responsible for making the decision to form what is, essentially, another social contract. Secondly, it is the disestablishmentarian elite who are responsible for making most of the key decisions for this alternative social contract body once it has come into being. Finally, these elites are responsible for convincing the non-elite members already recruited, as well as those they are trying to recruit (not to mention foreign bodies whose support they seek) that they not only have the right to exercise power, but that they in point of fact do exercise power. In other words, disestablishmentarian elites must not only calculate the costs, risks, and benefits of engaging in radical, disestablishmentarian politics, but furthermore must consciously manipulate the rational choice processes of both their client population and other relevant populations.

In particular, rational choice has improved our ability to understand the method by which elites are capable of making experiences of radical, extraordinary politics both possible and effective – through the transformation of the cost/risk/benefit calculus via the establishment of services and economic processes that potential rebels would otherwise depend on the orthodox political-economy in order to access. By using their wealth, power,

and organizational skills, disestablishmentarian elites are able to make variant forms of rebellion rational for their potential sources of support.

Much of the literature on the role of leaders in fomenting radical, extraordinary politics derives in whole or in part from the constructivist tradition, much of which is founded in the work of classical Marxist theorists, that is to say the tradition of political inquiry which asserts that the process by which ethnic, religious, national, and other identities are constructed affects the behavioral processes of those persons holding said identities (and/or having said identities transformed). Elites of different groups, notably military or police leaders, civilian governmental leaders, religious leaders, educators, traditional leaders, and mass communicators (artists, artisans, actors, musicians, those who operate television and radio stations, and so forth) have access to different methods and means of identifying and manipulating identities, obviously, yet this remains true of them all. This, of course, specifically includes the creation of vectors of victimization, real or otherwise.

Essential to the constructivist points is their ability to predict what type of radical, extraordinary politics is likely to ensue in a particular context, not merely by discussing the nature of grievance and discrimination (and so forth) horizontally and vertically, but furthermore by identifying what the relevant units within societies are and, essentially, whether or not these groups merely have identities or are identities accompanied by hierarchies and elite structures and/or institutions – the potential seeds of an alternative socio-political-economic system.

Also, constructivist theorists also demonstrate that the key powers in fomenting radical, extraordinary politics are those elites who compose the role of communicators, that is to say those persons who are primarily responsible for maintaining the political and economic relationships between the ruling elite and masses who already share a common identity. These communicators not only have special knowledge about both relevant parties (rulers and the ruled) but additionally have access to high levels of legitimacy and are in and of themselves symbols of their particular party's difference.

In conclusion, I would like to note two key points. On the one hand, none of these theories can be called institutionalist or structuralist – quite the contrary, they are all largely concerned with the ends and means of individuals seeking to manipulate and/or transform institutions and structures. That said, they do not inherently contradict the findings of institutionalist or structuralist lines of inquiry – quite the contrary, they complement it in a fully reflexive fashion. Elites and their inner working psychologies, are both active participants in the development, evolution, and replacement of institutions and structures, just as institutions and structures not only define who becomes an elite in the first place, but furthermore delimit the formative experiences said elites can have and the environment in which they operate, regardless of whether said elites are orthodox or disestablishmentarian in their rational operation. This is reflexivity at its core – the series of interacting causes and effects is so complex and constant that establishing first or final causes is

both unnecessary and impractical. Correlation must be our goal, save in the most explicit of cases.

### **CHAPTER III**

## **THE UNITY OF DISESTABLISHMENTARIANISMS: A MODEL OF THE GENESIS OF RADICAL, EXTRAORDINARY POLITICS**

Having discussed at length the most significant theories on the causes of extraordinary domestic politics, we may be able to develop a general theory that incorporates virtually all of these into a relatively simple and practical form—a causal chain which explicitly elaborates the conditions and events that precede virtually all cases of extraordinary politics. These are 1) the preconditions which make a political-economic-social system ripe for or prone to movements advocating extraordinary politics, 2) the transitional events that allow disestablishmentarian groups to radically increase the scale and intensity of resistance/reform, and 3) the immediate causes of violence that precede the final breakdown of any lingering rule-based behavior.

This chapter, it should be said, constitutes a substantive addition. I not only assimilate in a fundamentally new way a host of previously alienated theories and hypotheses, but furthermore distinguish between those conditions which are ultimate (structural and institutional) and those which are immediate or proximate (which are not structural or institutional). It therefore establishes the basis for the two-stage method of analysis I will later use – specifically one which establishes that a state is “ripe” for the onset of radical, extraordinary politics (the ultimate causes are present) and distinguishes that

condition from that of that of a state in which the proximate conditions are present.

The reason such an innovation is necessary is fairly straightforward. The structuralist-institutionalist utilitarian framework that underlies most previous theoretical and empirical work in the field of political upheaval presents a definitive set of biases, and with them limitations. These theories, when taken alone, are by their nature deterministic, a point that many structural, institutional, constructivist, and functionalist theorists openly avow (consider Skocpol's famous quip, "revolutions are not made, they come"). When political-economic-social systems are illiberal, repressive, and/or ineffective, goes the general consensus, those systems will experience some sort of attempted radical systemic transformation. Few authors attempt to push beyond this premise, and many outright deny the possibility of doing so (Laitin and Warner 1992). Certainly empirical tests bear out the significance of structures and institutions—political-economic-social systems that experience revolution, civil war, attempted political secession, and other types of upheaval are almost universally non-competitive and/or ineffective. However too often has recent work emphasized these as the ultimate causes rather than as part of a longer causal chain in which structures and institutions are merely the easiest elements to study.

The problem with emphasizing the structural-institutional approach *at the expense* of other approaches rather than in coordination with them, lies in the simple fact that *most* political-economic-social systems meet one or all of

the above, key conditions *most* of the time and many of those that have succumbed to radical, extraordinary politics survived for very long periods of time (Taylor 1989; Foran 1993). If all (or most) systems are destined to radical transformation by their very nature, yet radical change is, in fact, radical, then we find ourselves immersed in a fundamentally contradictory or at least incomplete understanding of the nature of radical systemic transformation. Radical change is extraordinary. Yet theories that assert that the rate of political transformation is determined by the structural and institutional arrangement infer that radical transformations should be themselves be ordinary rather than extraordinary.

Now, this is not to say that regime-type does not matter—states with certain structural and institutional arrangements and/or conditions are more likely to experience radical systemic change than are other arrangements. All this means, however, is that certain structural-institutional arrangements are fertile ground for the development of the forces that do cause radical systemic transformation—thus structures and institutions may be regarded as ultimate causes, but not final or proximate causes.

To use a metaphor, deterministic structural-institutionalist theorists have advanced our knowledge as far as foresters who are capable of pointing out that forest fires 1) tend to occur in forests, 2) tend to occur in periods of drought, desiccation, or the autumn, and 3) are more likely among conifer forests than in cycad or broadleaf forests. This knowledge is useful, but not as useful as being able to cross-reference this material with additional

knowledge about, for instance, where and when lightning storms are developing in a fire-prone area. Structural-institutionalism, in other words, lets us know when areas are *prone* to extraordinary politics; we require additional data to increase our predictive capability.

The work of Thomas Malthus may be used as inspiration for the improvement of the above structural-institutional theories. In Malthusian political-economics, systemic stability, that is to say everyday political-economics, may be undermined by structural constraints (both geographic and political-economic in his case), but these tensions that are the product of structural-institutional conditions are not 'resolved' by the mere existence of these conditions. Rather, unexpected internal and/or external calamities are necessary to eliminate excess population. Sometimes this is the incursion of outside actors, sometimes this is the eruption of civil war, sometimes this is the appearance of a plague, and sometimes this is the appearance of a pestilence.

Similarly, the structural and institutional conditions that most contemporary theorists of political upheaval view as preeminent cannot be expected to resolve themselves—revolution does not come, it is the result of outside and/or internal actors responding to and taking advantage of those conditions – proximate causes. Granted, most of the theorists discussed above mention the role of human initiative and efforts to recruit. However most of these same theorists also deny the significance of this, if not in principle than at least in practice. Further, scientists testing these theories



have almost uniformly demonstrated no interest in the human factor—concentrating instead on legal or economic concerns. Feminist theorists are a key exception, however, emphasizing the role of systemic inequality as a factor in determining both individual and group proclivities for violence. Yet they fall into the same deterministic trap as do other structuralists and institutionalists, simply from a different angle.

Put more simply, by mapping the transformation of identities and ideologies, we are able to determine when stresses are reaching their peak and when an unpredicted political, social, and/or economic catastrophe might have the maximum effect, leading to a run-away collapse of ordinary politics. If discontent is “the” immediate cause of all violence, which Gurr (1970a) as much as admits, then we should be studying *it* whenever possible, regardless of the difficulties (which are what seem to persuade Gurr to shift from his early interest in social psychology to structuralist/institutionalist work). To return to our earlier forestry metaphor, the forester seeking to prevent forest fires employing meteorology and basic social geography radically improves the precision of his predictions of fire location and time of occurrence *without* dismissing his or her earlier generalizations—so it is with the kind of fire we are attempting to predict.

Overcoming the deterministic trap and simultaneously improving our ability to predict the onset of extraordinary politics depends on our ability to predict two further links in the causal chain, which, while often mentioned have rarely been employed: (1) the collapse and reformulation of the value

system among the relevant cultural-political-economic classes/groups and (2) the occurrence of “trigger events” that are interpreted by members of either the establishment or disestablishment as the moment-of-no-return, that point where open radicalization becomes a necessity rather than one policy option among others.

## **Ultimate Causes and Conditions of Radical, Extraordinary Politics**

The preconditions for the open utilization of radical, extraordinary politics by disestablishmentarians, including those seeking the establishment of a new state through means of secession, depend upon two fundamental premises. First, the orthodox system must be perceived as illegitimate. Zhong (1996) provides what I believe to be the best available definition of legitimacy, stating that, “[p]olitical legitimacy can be defined in simple terms as the degree of justifiability of the claim of a particular regime or government in staying in power.” This legitimacy may be based on any number of accomplishments, philosophically or theologically derived ‘rights’, charisma, legality (in terms of both accession to office and behavior in office) and so on, but in every case legitimacy is about perceived right to wield power and perceived right action with power. Secondly, the orthodox system must be either unwilling or incapable of crushing resistance to its will. Apparent weakness is to politics as blood is in the ocean: both draw and agitate sharks. If a state is weak it

must compensate for this through legitimacy; if a state is illegitimate it must respond with effective counterreformation.

*Real and Perceived Institutional and/or Structural Inequality: Illiberal Politics and Perceived Relative Deprivation*

The implications of a politically, culturally, and/or economically discriminatory system can perhaps be best viewed from two perspectives, both of which are useful for understanding why this pattern of behavior tends to precede instances of extraordinary politics. On the hand of the dominating and/or discriminatory class(es) or group(s), that is to say the elite class(es) or group(s), institutions, laws, and norms of inequality and disenfranchisement are both practically and psychologically advantageous. They are practically advantageous because they reinforce these classes'/groups' power, wealth, and security and, conversely, they are psychologically advantageous because they reinforce their sense of superiority and honor. Furthermore, these institutions and laws are inseparable from norms (this goes without saying for informal, structural modes of disenfranchisement), due in large part to the reflexive relationship between formal political-economic and informal socio-economic modes of prejudice. The result is that members of elite classes tend to develop a sense of entitlement—elites in prejudiced systems fail to see their position as one politically gained, nor as one of exploitation, but as right and inherent to their personage(s) (see Table 3.1 for a list of authors who assert that illiberal political, economic, or social structural institutional

Table 3.1: Theorists Who Assert That Illiberal Political, Economic, or Social Structural or Institutional Arrangements Increase a State's Propensity to Experience Radical, Extraordinary Politics

<b>Author</b>	<b>Year</b>
Sorel	1906
Brinton	1952
Deutsch	1953
Sakata and Hall	1956
Davies	1962
Olson	1963
Russett	1964
Tanter and Midlarsky	1967
Gurr	1968, 1970a, 1970b, 1985, 1993
Tilly	1973, 1975, 1978
Hatcher	1975
Jenkins	1975
Paige	1975
Skocpol	1976, 1979a, 1979b
Disch	1979
Somers and Goldfrank	1979
Midlarsky	1982
Dix	1984
Scott	1985
Galtung	1990
Brass	1991
Heraclides	1991
Davidheiser	1992
Goldberg	1992
Snow	1993
Juergensmeyer	1994, 2000
Rummel	1994
Basu	1995
Krian	1997
An-Na'im	1999
Eisenstadt	1999
McVeigh	1999
Halliday	2000
Jackman	2001
Demerath	2003
Hall	2003
Tétreault	2004
Marshall and Gurr	2005

arrangements increase a state's propensity to experience radical, extraordinary politics and Table 3.2 for a list of authors who assert that liberal institutions have a pacifying behavioral effect).

The combination of these two elements, that is to say the rational understanding of the circumstances of exploitation by elites as the emotional/psychological products thereof (what one might call 'auto-legitimization') yields certain behavioral patterns. First, elites fear that concessions will lead to a decline in power and influence, and therefore affluence. Secondly, most elites probably assume, as did the Athenians in dealing with the Melians and as do the Russians in dealing with the Chechens, that making any concession will lead to a gross decline in their ability to maintain their remaining, unconceded power. After all, Hobbes does instruct us that to appear weak is to be weak; therefore to make concessions is to begin a snowball effect that ends only once said state either crushes resistance or transforms from a dominating into a dominated power. Finally, in order to dominate other classes, elites must feel they have a right to rule, a sense that they are in some way superior to the ruled classes. If this is the case, it is unlikely that any elite will willingly abdicate power—to do so is to admit equality, or at least declining superiority.

The implication of all the above effects of unequal systems on elite rationality (and ego) is this: systems with high inequality are unlikely to reform in the absence of extraordinary politics. Contrarily, in fundamentally unequal political, economic, and cultural systems, the disenfranchised are likely to see

Table 3.2: Liberal Peace Theorists (International Relations)

<b>Author</b>	<b>Year</b>
Bremer	1992
Bueno de Mesquita and Lalman	1992
Greenfeld	1992
Brown	1993
Maoz and Russett	1993
Snyder	1993
Ray	1995
Rummel	1995
Benoit	1996
Bonta	1996
Rousseau <i>et al.</i>	1996
Chan	1997
Gleditsch and Hegre	1997
Oneal and Russett	1997
Tessler and Warriner	1997
Van Evera	1997
Polacheck, Robst, and Chang	1999
Tessler, Nachtwey, and Grant	1999
Caprioli	2000, 2003
Caprioli and Boyer	2001
Caprioli and Trumbore	2003
Lektzian and Souna	2003
Mousseau	2003

their circumstances for what they are: oppressive. If entire classes of people are objectified, if they exist only to strengthen and enrich others, they will, like as not, become alienated from that system, divesting themselves of any sense of stake in said system. Whether or not the average human being has the political philosophical background to conceptualize a social contract is beside the point; the average human being still is capable of determining if a system is wholly exploitive or not. Further, in such a system oppressed groups and classes are unlikely to conceive of the rules of the system as allowing for change through moderate, ordinary means—if change is to be possible and/or perceived fundamental ends are to be accomplished then rule-violation becomes a practical necessity. The inclination towards accepting extraordinary politics is also less of a jump than many would imagine sitting in the comfort of core political-economic centers—after all, if you are prevented from engaging in free political, economic, or social enterprise then the only way to grow more powerful or wealthy, or to accomplish your cultural goals, is to engage in extraordinary variants of day-to-day activities—black markets, illegal religious expression, underground newspapers, and the like. Norms of rule-violation, in other words, are inculcated by the experience of tyranny and exploitation. Tyrannies train their own worst enemies.

It should be said that oppression, disenfranchisement, and the like are in large part perceptual concepts—they are, in other words, less a product of the real world and more a product of individual and collective interpretations

of that world. Therefore the key to making this measure of a state's propensity to experience extraordinary politics lies in our ability to understand the degree to which 1) oppressed persons perceive themselves as oppressed and 2) the difference between their expected returns from the system vary from their real returns.

Modernization likely exacerbates the problems of institutionalized and structuralized inequality in a few key ways. First, the modernization process is normally oversold by its acolytes, not necessarily in terms of long-term gain so much as the quality of modernization's effects in the short-term. Subjects/citizens in modernizing states frequently have very high expectations of modernization that it simply cannot fulfill in a short period of time. This lag between expectations and benefits undermines the system/ regime. Additionally, the fact that modernization displaces substantial numbers of people, disrupting their lives and undermining beliefs and behavioral patterns—ranging from subsistence farmers to pre-modern elites—tends to further complicate the process of modernization (not to mention increasing the already mentioned gap between hypothesized expectations and real outcomes). Finally, modernity, to use the language of geographers, conquers time and space. Traditional realms of autonomy and/or privacy begin to be eroded under the assault of communications and transportation technologies. Not only do these technologies allow elites to more efficiently exploit unassimilated classes and groups, they also allow exploited classes to better understand their condition, increasing tensions



already heightened by growing state burdens and behavioral changes. The rare exception to this latter element comes into play, however, when the state is capable of effectively controlling access to communications and transportation technology, allowing it to monopolize information and thereby manipulate sentiments (though as disharmonies arise between official and real conditions the legitimacy of the orthodox system will further degrade).

### *The Perceived Failure of the State to Meet Fundamental Needs*

Under certain conditions, the quality-of-life for a given group or groups within a society is threatened by the parasitism of other groups in that same society and/or by political mismanagement and/or corruption and/or unpredictable disaster and/or scarcity and/or the disruption of rapid change. The state, in other words, is perceived (often rightly) as having failed to provide fundamental goods such as security, stability, and equity to certain classes or groups under its rubric.

There is and can only be two possible responses to this perceived failure. If the failure is perceived as a failure of a particular individual, set of individuals, rule, set of rules, agency, agencies, or other relatively discrete parts of the state, then the system may not be perceived as responsible as a whole—rule-based reform is therefore considered a viable and legitimate response among the discontent. Sometimes, however, the failure is perceived as wholesale. This is often the case when multiple, widespread,

cataclysms occur simultaneously or near-simultaneously—the result is that key sectors of said system, principally, though not exclusively, members of the effected class or classes (or region/regions) perceive the system as a whole to have failed. Under these latter circumstances, the only (perceived) viable alternative to the given ‘rottenness’ of the systems is to radically, and often totalistically transform or replace it—to engage in extraordinary politics.

It should be noted that systemic inefficacy may be perceived, rightly or wrongly, to be caused or exacerbated by institutional and structural inequity. This being the case, we may conclude that the system’s traits may not only be viewed by dissenters as ineffective, a fairly mundane label with little inflammatory content, but furthermore as unjust, adding fuel to the fire, so to speak. Furthermore, if a state is undergoing a transformation, for instance the modernization process (be it liberal, fascist, Marxist, or otherwise) mentioned above, then the process is likely to be condemned with the contemporary state—the result is most likely to be a neo-traditional movement such as ethno-nationalism and/or religious fundamentalism (see Table 3.3 for a list of theorists who assert that perceived state failure increases a state’s propensity to experience radical, extraordinary politics).

### *The “Weak” State*

The term weak used here is intended to refer to a number of things, any of which alone will intensify any other conditions substantially and will do so geometrically in force. A weak state is one that is incapable of fulfilling the

Table 3.3: Theorists Who Assert That Perceived State Failure Increases a State's Propensity to Experience Radical, Extraordinary Politics

Author	Year
Sakata and Hall	1956
Lerner	1967
Huntington	1968
Gurr	1968, 1985, 1993
Midlarsky	1982
Sahliyah	1990
Marty and Appleby	1991
Jurgensmeyer	1993, 1996
Mendelsohn	1993
Tehrani	1993
Zubaida	1993
Haynes	1994
Roberts	1994
Waterbury	1994
Mittleman	1996
Pasha and Samatar	1996
Rist	1997
Esposito	1998
Uvin	1998
An-Na'im	1999
Thomas	2000
Soros	2002
Stiglitz	2002
Demerath	2003
Denemark	2004
Fox and Sandler	2004
Lewis	2004
Pasha	2004
Tétreault	2004
Marshall and Gurr	2005

basic obligations any state has to its subjects and/or citizens, namely the ability to protect them, to guarantee their basic needs, and to maintain the sovereign authority of the state vis-à-vis other states. To actually do so is, of course, not enough—further, the state must *demonstrate* that it is doing so as well. Additionally, weak states are those states that are incapable of crushing unorthodox behavior, that is to say are unable to root out the kinds of behaviors among exploited *and* exploiting classes/groups, including those alien to the system, which undermine the states' ability to control key resources and the interpretation of key political, economic, and cultural symbols and beliefs. It should be noted that developed liberal states tend to be weak in the latter sense (though not the former), though this constitutes an issue of less consequence for them than for non-liberal states given that they tend to rule by consent and/or consensus, allow dissent without fear of reprobation, and guarantee, in most instances, very high levels of cultural and political equity, not to mention relatively high levels of economic equity. One does not need blatant strength if one is effective. If, however, a state is both tyrannical *and* weak it invites the use of widespread extraordinary politics—a point that is unsurprising given that this condition is virtually the same as anarchy. Contrarily, as Machiavelli notes, the most stable states are those that are simultaneously strong and capable of instilling a fear of punishment in the event of unsanctioned behavior *and* are loved, that is to say legitimate (also see Zhong 1996 for a discussion on how durable authoritarian regimes necessarily culture both the capability to coerce and to convince; see Table

3.4 for a list of theorists who assert that weak states have a higher propensity to engage in radical, extraordinary politics than do strong/stable states).

Three conditions are most frequently associated with weakness in the literature. First, the condition of anocracy, that is to say states that simultaneously embody elements of autocracy and democracy, are notorious for their inability to effectively act—specifically because by their very nature anocracies tend to amalgamate the chief weaknesses associated with democracy and autocracy. Anocracies are dependent on legitimacy yet lack the command structure to guarantee political efficacy. Anocracies are ostensibly built on meritocratic and democratic bases, but tend to favor certain elite groups, lending credence to arguments that they increase relative deprivation. Anocracies claim to serve the populace at general yet generally take steps to undermine that quality-of-life of that populace. They are, in other words, weak and tyrannical.

Another condition mentioned in the literature is that of pluralistic, rather than individualistic, democracy. States that depend on group identification for the articulation of interests are feeding the very forces that tend to undermine the stability of those states. While this tends to be emphasized in the literature of ethno-national studies, the premise is ultimately built on Madison's analysis of pluralism in *The Federalist Papers*. Specifically, Madison feared that the enormous complexity of the United States, religiously, regional-economically, culturally, and politically, could lead to a fractionalization of the system. He therefore advocated institutional

Table 3.4: Theorists Who Assert That Weak States (Including Anocracies and Transitional States) Have a Higher Propensity to Engage in Radical, Extraordinary Politics Than Do Strong States

<b>Author</b>	<b>Year</b>
Furnivall	1944
Gurr	1968, 1974
Smith	1969
Dix	1984
Horowitz	1985
Davidheiser	1992
Fein	1995
Uvin	1999
Goldstone <i>et al.</i>	2005

arrangements that would force 'factions' to cooperate or risk political inefficacy—resulting in moderate political policies that would improve the likelihood liberalism in the Union would survive. The strength of factions, then, would be undermined by forcing the creation of multi-factional parties that necessarily must moderate the policy goals of any one faction within them, essentially rendering pluralistic factionalism a weak force.

Finally, the literature emphasizes that states in institutional transition are prone to radical, extraordinary politics. In this condition elites from the prior system see themselves as still capable of reasserting their power, radicals see the opportunity to seize power, and state effectiveness and efficiency tend to be low. The combination results in a high propensity for minor events to snowball into radical events, "proving" the beliefs of radicals to be just and correct.

### *Appropriate Outside Forces*

Regardless of social scientists' tendency to divide domestic and interstate politics in separate categories, their mutual affect is observable to anyone willing to observe. The place of any given state in its relevant world-system has wide-ranging implications for its ability to avoid becoming embroiled in domestic extraordinary politics (see table 3.5 for a list of theorists who assert that international structures and institutions affect the propensity of states to engage in radical, extraordinary politics).

Table 3.5: Theorists Who Assert That International Conditions (Including Great Power Attention/Inattention, Contagion Effect, and Sponsorship) Affect the Propensity of States to Engage in Radical, Extraordinary Politics

<b>Authors</b>	<b>Year</b>
Sakata and Hall	1956
Weiner	1971
Skocpol	1976a, 1976b, 1979
Francisco	1993
Kaplan	1993
Collier and Hoeffler	2000
Ali	2002
Esposito	2002
Tétreault	2004
Marshall and Gurr	2005
Taras and Ganguly	2006



If discontented members of a system perceive nearby (temporally, culturally, or spatially) systems as possible models for action (consider the domino effects involved in the transnational Revolution of 1989, the fascist revolutions of the 1930s following Mussolini's efforts, or the Latin American and European nationalist movements that followed the American and French Revolutions), then these discontented persons are likely to consider said model a potential, viable alternative to the failing system. More specifically, this contagion effect may affect discontented persons' rationale concerning viable ends of radical, extraordinary politics as well as viable means to accomplish those ends (with specific reference to when upheaval initiation is likely to succeed).

If a great power is exploiting a lesser power, be it imperialistically or neo-imperialistically, then that power may employ a divide-and-conquer strategy. If this is the case, then tensions and inequalities between internal actors are likely to be exacerbated or even artificially created. The result is that upon independence the political unit is likely to 1) function in an unequal and internally exploitive fashion and 2) embody two or more mutually antagonist groups from the outset. The result of both or either is an increase in systemic tendency towards extraordinary politics.

If a system appears to be the subject of another system, or just such subjugation seems imminent, the state will simultaneously appear weak and unjust. This is particularly the case (though by no means exclusively so) in the instance of the state being independent or autonomous (or being

perceived as such) historically. Furthermore, said 'interstate' domination or the threat thereof will likely accelerate the process of alienation—exploitation and disenfranchisement are highlighted as threats under these conditions, as is the specter of socio-cultural imperialism. The heightened (perceived) inequality and deprivation that accompanies imperialism and neo-imperialism, then, accelerates and aggravates systemic delegitimization.

If outside powers throw their support, be it financial, logistical, military, or merely moral, behind discontented groups or classes then extraordinary politics again becomes statistically more likely. This is in part the product of increased capability altering the cost-benefit-risk formula of potential disestablishmentarians. Furthermore, it lends credibility and legitimacy to demands for transformation. Internal actors can point to external actors' support and claim simply, 'we are not alone,' providing them with culpability, especially if this actor either 1) shares key cultural, ideological, and/or systemic attributes or 2) is a 'great' power (globally or regionally) with simultaneous claims to both international leadership and an effective developmental model.

Finally, in the absence of a global or regional hegemon enforcing stability to maximize its own benefit, state and sub-state actors are capable of greater autonomy. In this sort of environment, especially absent liberal institutions and structural patterns, exploitation, disenfranchisement, and cultural discrimination are likely to flourish. Discontented classes and groups are then more likely to emerge and the conditions for extraordinary politics

improve. Functionally, it should be noted, that this same condition may emerge when, in its fervor to acquire the loyalty of a vassal in foreign affairs, a great power guarantees the ruling elite protections over domestic autonomy.

### *Spikes in Transportation and Communications Capabilities*

Modernization theorists seem to have hit on a key influence on the appearance of radical, extraordinary politics. They assume that perceived relative deprivation is not merely the result of increased social, economic, and/or political inequity, but further of an increased capacity to learn about said inequity. Additionally, other theorists assert that the likelihood of radical, extraordinary politics increases when the political system temporarily allows more freedom and/or participation, again along political, economic, and/or social lines, and then suddenly withdraws these gains as elites begin to perceive that they may have unleashed forces beyond their control. Again, this not only throws the relative deprivation into sharp highlight, but furthermore has left the oppressed with a generally better sense of their place in the world and with residual communication networks that facilitate a “gray” or “black” communication and information market (see Table 3.6 for a list of authors who assert that spikes in communication and/or transportation infrastructure may result in a higher propensity for radical, extraordinary politics).

Table 3.6: Theorists Who Assert That Increases in Communication and/or Transportation Capabilities May Result in a Temporary and/or Permanent Higher Propensity to Experience Radical, Extraordinary Politics (Due to Increased Mutual Identification, Increased Perceptions of Relative Deprivation, and Increased Center Ability to Oppress)

<b>Author</b>	<b>Year</b>
Deutsch	1953
Connor	1967, 1973a, 1973b
Rokkan	1970
Horowitz	1985
Sahliyah	1990
Marty and Appleby	1991
Gurr	1993
Jurgensmeyer	1993, 1996
Mendelsohn	1993
Tehrani	1993
Zubaida	1993
Haynes	1994
Waterbury	1994
Fein	1995
Mittleman	1996
Pasha and Samatar	1996
Rist	1997
Esposito	1998
Uvin	1998, 1999
An-Na'im	1999
Thomas	2000
Soros	2002
Stiglitz	2002
Demerath	2003
Fox and Sandler	2004
Lewis	2004
Pasha	2004
Tétreault	2004

Therefore, it is entirely rational to assert that as communications and transportation technologies become more prevalent *or* when political conditions facilitate a rapid increase in available data, the odds of a shift from ordinary to radical, extraordinary politics increases substantially.

### *On the Role of Identity*

Primordialists assume that identity is the ultimate cause of all political conflict—communities of related individuals, recognizing scarcity, fight to control those resources, case-closed. While this view is dated in that it essentially asserts that difference is the cause of violence, it does highlight a key concept—identity is involved in the process of “choosing sides.”

Specifically, identity is significant in the study of intrastate extraordinary politics for two reasons (for a list of non-primordialist theorists who assert that identity affects the nature and lines of fractionalization of radical, extraordinary political conflict see Table 3.7). First, identity, whether it is ideological, ethnic, or otherwise, determines the boundaries of illiberalism, specifically, who is allowed to participate in politics and the economy and at what levels. This in turn leads substantially to determining what groups are likely to be establishmentarian and what groups are likely to be conducive to disestablishmentarianism, in other words, identity determines which groups are *most likely* to be candidates for recruitment and mobilization and which are likely to resist reform.

Table 3.7: Theorists Who Assert That Identity Affects the Nature and Lines of Fractionalization of Conflict

<b>Author</b>	<b>Year</b>
Gurr	1968, 1993
Prunier	1970
Rokkan	1970
Tilly	1973, 1975, 1978
Galtung	1990
Heraclides	1991
Huntington	1993a, 1993b, 1996
Tarrow	1994
An-Na'im	1999
Uvin	1999
Juergensmeyer	2000
Hall	2003
Marty	2005

Secondarily, identity is usually bundled with political-cultural assumptions—specifically, identity and the culture that accompanies it allow individuals to make decisions without employing their individual rationalities. This is important because if identity does become bundled with notions of, say, ethnic or ideological discrimination, then it is likely to legitimate violence. This is not to say that certain identities are predestined to violence by any means. It does, however, mean that individuals with certain identities are more easily swayed to violence—they are provided from birth with automatic response logics. Given that most political violence tends to occur in states in which information is at a premium and political decisions are frequently made with only limited data, the role of cultural logics are significant, and their capability to be utilized by elites is high (the Devil, after all, quotes scripture).

## **The Popularization of Radical, Extraordinary Politics**

All of the preceding causes are, according to my framework, *ultimate* causes – they constitute those conditions under which a state may be considered unstable (or, as the case may be, stable). The following stages involve *proximate* causes, that is to say those causes which transform a political-economy from a state of instability to a state of outright rebellion. Specifically each of these causes involves, to a lesser or greater degree, elite disestablishmentarians. Specifically, elite disestablishmentarians must seize

the moment and take advantage of the instability in order to mobilize populations, not to mention make a rational evaluation of their circumstance to determine whether or not rebellion (including secession) is a valid and feasible action. This latter vector may seem dependent wholly on structural and institutional conditions, but as I make clear below, there are a number of environmental conditions that are by definition neither structural or institutional and yet still have substantial impact on elite decision-making.

### *Value Entropy and Reformulation*

In order to predict extraordinary politics whose aim is radical systemic transformation, we must assume that the elite leadership of such a movement are rational actors whose end is to establish a new political-economic-social order, whether for themselves or for other (including former) members of their society. These factions select strategies, strategies *for* victory (in order to win power) and strategies *in* victory (determining how to use power if it is seized). These, essentially, are the determinants of any given radical systemic transformation's form and severity—not those variables that led to the value entropy. Regardless, if this is the case, then we can assume such individuals are unlikely to engage in radical activities if they do not believe they are in a position to actually accomplish some or all of their goals in the long-term. It would be irrational to begin any variant of insurrection if one did not believe that one was in a position of at least some strategic sustainability. Therefore we can assume that disestablishmentarian movements will be



covertly active for an extended period of time once the above discussed preconditions appear, emerging openly only after they *believe* their capability to be adequately high. Their activities, concurrent with the failings, injustices, and errors of the orthodox, ruling system will result in at least one if not two of the following prior to the outbreak of violence.

In the first place we can expect the strategically key classes to demonstrate signs of value entropy, that is to say concern that the contemporary system is incapable of redressing problems—*it is incompetent or unjust beyond reprieve*. At this stage, however, we can expect relevant classes and groups to be expressing only sentiments of what is wrong, what they have ceased to believe in and identify with, *not* viable alternatives to the status quo. In other words, we can expect an entropy of sorts in the value structures of these classes'/groups' senses of identity, their political-economic values, and their perception of the orthodox system's legitimacy. Indeed, the work of George M. Wilson (1983) infers that value entropy is likely to occur across substantial elements of a population immediately preceding all types of radical, extraordinary politics, including orchestrated, top-down revolutions

Secondarily, *if disestablishmentarian movements have the will and capability*, value entropy will begin to transform—identities, values, and conceptualizations will trend away from mere alienation and towards a particular ideological bent—one concurrent in part or in whole with that of a particular set of disestablishmentarians. This occurs, of course, because the state of normative and identity entropy brought about by an unjust and/or

ineffective political-economy and/or society creates an ideal circumstance for recruitment—conversion of any type rarely occurs among content persons who feel their system or their place in it is just and unproblematic, after all.

I would like to clarify—the implication of all this is that identities and values *in and of themselves* are not responsible for radicalization and extraordinary politics. Rather, identities and values change in response to conditions and politically opportunistic utilization of these conditions. That said, identities in particular might determine the form and breadth of inequity, discrimination, or disenfranchisement. Therefore, we can speak of unjust political systems as having a reflexive relationship between undesirable social-political-economic outcomes and policies and identities (and their accompanying values).

This ideological transformation will be buttressed, whenever possible, by the establishment of viable alternatives to the mechanisms of state, culture, and economy that 1) undermine the effectiveness of extant orthodox institutions and 2) fill in gaps where the orthodox system has entirely neglected to operate. This activity is particularly essential in agrarian political-economies where the goal is to establish bottom-up, populist revolution or an elite, populist revolution, and less so in the event of an elite, top-down radical reformation.

Additionally, as Eckstein (1988, 796) notes, “[C]ultural entropy can never be complete.” Systemic upheaval tends to strengthen certain, surviving elements of the prior state of affairs (for instance families). And, additionally, if

a system is to be reformulated, certain behaviors, patterns, symbols, and ideals which were already utilized in the prior system must be utilized, if in an altered form and/or for an altered function. Otherwise, the collective would be so disoriented that the process of cumulative social learning necessary for reform would be unimaginable. Furthermore, in every culture there are certain institutions and structures that are recognizable as useful in an universally utilitarian fashion (Eckstein mentions bureaucracies)—these are also likely to survive for lack of an alternative arrangement. Regardless, the point is clear—alternative movements are necessarily founded in the socio-historical conditions they hope to overturn and their offered system *will necessarily* share attributes in common with the system they hope to replace.

Simplified, the above discussed stage may be regarded as little more than the collapse of legitimacy structure of the state and the scavenging process by disestablishmentarian elite among the alienated and disenfranchised of the classes or groups those disestablishmentarian elites hope to recruit and mobilize.

### *Flashpoints/Trigger Events*

Once mobilization and recruitment have reached such levels that the disestablishmentarian elite consider themselves to have a viable means of challenging the orthodox, status quo system, a trigger event is necessary to propel the movement from covert to overt extraordinary political behavior. Whereas the transformation of identity and norms may be measured readily

(assuming access to the relevant populations is possible) predicting flashpoints is a somewhat more difficult task, at least at the theoretical level of analysis. To return to the Malthus again, we may consider a simple model of unrestrained population growth. Assume an island in which there are a limited number of resources and on which there is only one government that does not enforce any restrictions on childbirth or family size. Imagine further, following Hardin's (1968) particular lead, that the only source of food was intensive, subsistence agriculture. Imagine as each family's total number of children increases, so too does the output of food available per person until the carrying capacity of the island is achieved. After this point a die-off is a near inevitability—population density over and beyond carrying capacity decreases sanitation quality, decreases calories available per person, and facilitates disease transmission. The question is, how (and when) will this die-off occur? We can say 1) with the onset of a plague, 2) with the onset of a natural disaster, 3) or with the onset of civil conflict either between groups for resources or between elites and exploited groups intent on replacing the failed state.

We can predict plague according to the movement of animals in and out of the population; we can predict meteorological disaster according to historic and meteorological records (though we cannot necessarily predict geological disasters); and we can predict that either of the others might precipitate the third. Additionally, we can assume the discovery of hoarding among elites (or other groups), politically unwise actions or rhetoric ("let them

eat cake”), and/or the sheer will and rhetorical abilities of disestablishmentarians could serve to deliver the spark that ignites the rapid die-off. Our degree of predictability, then, is limited, though we can create a classification system of likely trigger events that will inform our predictions.

Similarly, in any state experiencing the above preconditions, we can expect that both establishmentarians and disestablishmentarians will be taking all possible steps to prepare for control over another limited commodity—power. Ultimately tensions will reach a point (which again, as mentioned above, usually sparked by either a natural disaster or a set of internal or foreign policies) wherein we can predict that any serious event will make conflict between orthodox and reformist forces a near inevitability. Some of these events we can predict, others we can say, “if they happen, they will upset the system and force the shift to overt extraordinary politics of a type determined by 1) the orthodox system, 2) the ends of the disestablishmentarians, 3) the desired means as limited by the capabilities of the disestablishmentarians.” In other words, we will know when a storm is coming, but, at least at present, we will be unable to predict the drop in barometric pressure. To reiterate, that this stage will occur is a theoretically sound statement—that said, our ability to predict the exact nature of this stage in any particular event is likely to remain relatively low.

## Summary

Having expounded a detailed model of the stages of transformation that precede the overt use of extraordinary political behavior to transform radically a political-economic-social system, I would like to briefly summarize the model for clarity before continuing. First, we can assume that widespread discontent not only with a system's particular elements and policies, but with the system itself precedes radical systemic transformation. This discontent is the product of elements of the population coming to believe that the system is utterly unjust (*i.e.* a product of perceived structural and/or institutional inequality, be it politically, economically, and/or culturally) and cannot be repaired through rule-observing behavior and/or the system is intractably flawed and must be replaced totalistically. These conditions are theoretically observable and have been the focus of most predictive and explanatory studies of radical politics.

Second, the discontent created by these structural and institutional conditions is itself measurable—specifically, the measurement of this discontent can and will tell us the degree to which 1) the system has lost legitimacy and 2) the breadth and depth of this loss. The degree to which this change has occurred should be identifiable in terms of value entropy, that is to say the degree to which identities and key ideological norms have shifted from a stable, orthodox position into entropy and ambivalence.

This entropy and ambivalence is the proper condition for disestablishmentarian movements to engage targeted groups and or classes (either at the populist or the elite level) for recruitment and mobilization. Often times this will be accomplished by establishing a counter-state and/or a counter-economy (see Thaxton, 1977 for the Chinese example). This stage is not, however, an inevitable step following value entropy, alienation, and delegitimization. Rather, it is dependent on 1) an assessment of the state that assumes it is weak enough to be challenged, 2) the existence of an individual or, more likely, a set of individuals who are both willing to and capable of forming a disestablishmentarian elite capable of establishing a counter-culture, and 3) the existence of an alternative systemic arrangement which has not been discredited in the eyes of the relevant population. In other words, value entropy creates a space for recruitment and mobilization—human individuals exploit it or do not, and states undermine recruitment or not.

Third, when the above three conditions are met, one or more disestablishmentarian movements are usually established and begin to spread. The result should be an observable transformation in values and identity among the relevant population(s). This stage immediately presages open conflict between orthodox and heretical systemic elites and their supporters, assuming the state does not effectively crush the heretical movement in its infancy.

Once the system has reached a very high level of tension, the product of a relatively high level of power among disestablishmentarians vis-à-vis the orthodox system, any event of extreme significance, domestic or international, may be capable of inciting active revolt or a too-little-too-late effort by the state to repress the disestablishmentarians resulting in open war, genocide, or politicide. At this point a classification of events may be developed for determining when focus should be placed on the region to determine if smolder will become flame.

Finally, the ends and means of any disestablishmentarian movement are highly particularistic, determined by the socio-historical circumstances surrounding their development and their place in the contemporary political-economy. More specifically, we may say that ends and means of disestablishmentarians are the product of five elements: 1) who is discontent, 2) what are they discontent about, 3) what is the current systemic form, 4) what are the available, credible alternatives, and 5) what interstate or transnational actors are capable of and willing to aid the disestablishmentarians. Obviously the possibility for variance is enormous. That said, this unified predictive model, which it may be argued is a new meta-theory of radical, extraordinary politics, is in many ways an improvement on prior models in that it forces us to abandon our assumptions that different types of ideological transformation are caused by fundamentally different conceptions, it allows us to transcend our own ideological and historical



biases, and most importantly, it forces us to accept a level of investigation that will help improve our predictive and explanatory powers.

## **CHAPTER IV**

### **ESTABLISHING THE STRUCTURAL AND INSTITUTIONAL EQUIVALENCY OF NAMIBIA AND BOTSWANA**

Namibia and Botswana are incredibly similar in structural and institutional terms. Both southern African states have economies that are largely based on natural resources exploitation and agriculture, both are predominately Christian, both have environments dominated by extensive steppes and some northern jungles. Both states are host to numerous ethnicities, most of which have ties with kin-groups across national boundaries. In both states there are definite “in” and “out” ethnicities, that is to say that there are ethnic groups which are relatively disadvantaged in terms of access to and gains from the dominant legal political-economic system. Additionally, both Namibia and Botswana share long borders with the region’s greatest power, South Africa, though Namibia has had a traditionally more problematic northern border, the vast majority of which it shares with Angola.

Arguably the most fundamental difference between Namibia and Botswana lies in their access to the sea (or lack thereof)—the entire western border of the former lies on the Atlantic Ocean, whereas the latter is entirely landlocked. In way of compensation, however, Botswana has superior mineral wealth – including some of the world’s most productive diamond mines. The other fundamental difference between Namibia and Botswana lies in their period of independence – while Namibia has only been independence

since the early 1990s (one of the latest states in Africa afforded this condition), Botswana gained its independence in the late 1960s.

Concurrently, while Botswana was never directly administered by its southern neighbor, Namibia spent most of the Twentieth Century as a colony not of Britain, but of South Africa, itself a former colony of Great Britain, though the differences in experience are notable. Specifically, the variance in race relations up to the point of Namibian independence, then, constitutes the largest remaining variation.

## **Economic Comparison**

There are a number of key economic indices that may be compared at the structural level. Specifically I will compare gross domestic products, gross domestic products per capita, relative spending power, unemployment figures, a number of health and welfare and infrastructural development indices and figures, and the perceived economic prospects of the citizenry of the studied states.

### *Gross National Product*

In terms of the most popular measure of economic comparison, the gross national product (GNP), there is no question that a general parity exists between Namibia and Botswana (Table 4.1 and Figure 4.1). In both states there are patterns of growth that are both steady and congruent with one

Table 4.1: Gross National Product (adjusted for Power of Purchasing Parity, in Billions US\$)

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Namibia	1.54	1.8	2	2	3.85	5.8	5.8	6.2	6.2	6.6	7.1
Botswana	1.87	3.1	3.6	3.6	6	4.3	4.5	4.6	5	5.25	5.7

Source: CIA *World Factbook* (1990-2000)

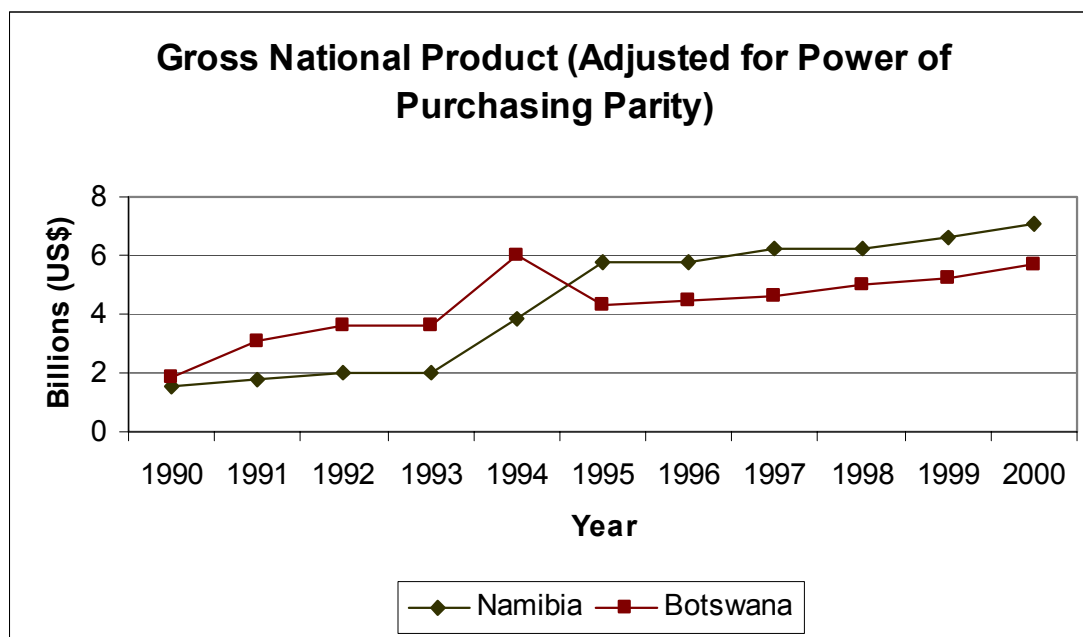


Figure 4.1: Gross National Product

Source: CIA *World Factbook* (1990-2000)

Table 4.2: Gross National Product Per Capita

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Namibia	1245	1240	1400	1300	2500	3600	3600	3700	3700	4100	4300
Botswana	1600	2500	2800	2450	4500	3130	3200	3100	3300	3600	3900

Source: CIA *World Factbook* (1990-2000)

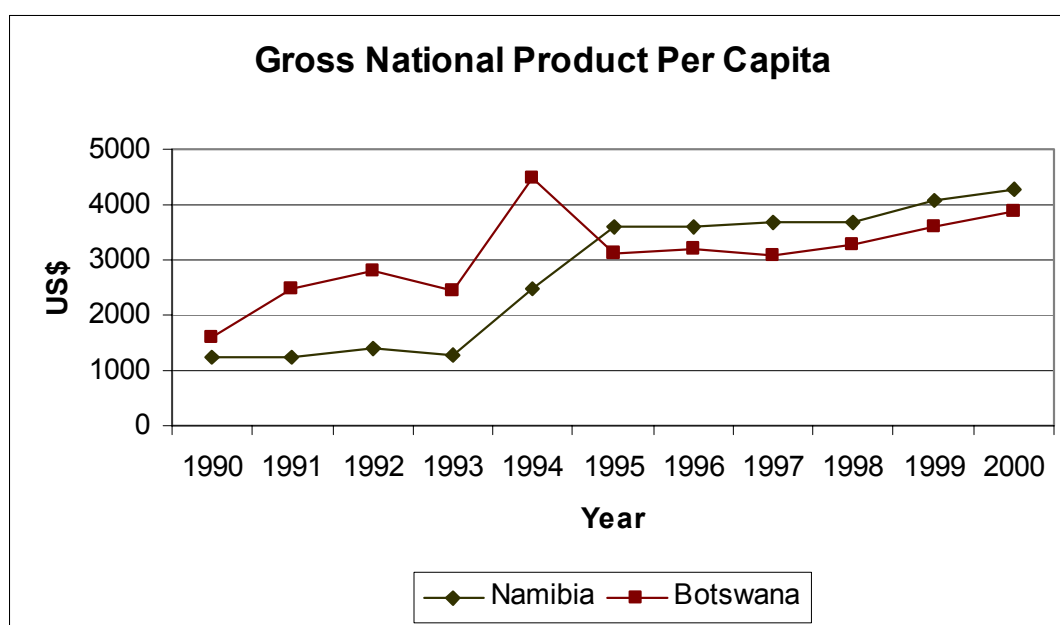


Figure 4.2: Gross National Product Per Capita  
Source: CIA *World Factbook* (1990-2000)

another with only one state for one year posting a decrease in GNP, Botswana in 1994. Both states, in other words, experienced similarly vigorous economies throughout the decade with, at the time of the East Caprivian event in 1999, no real decrease in economic gains nor any real evidence for anticipating decreasing economic gains.

### *Gross National Product Per Capita*

In a near mirror image of the above GDP patterns, Table 4.2 and Figure 4.2 make plainly clear that the only substantial difference between the Namibian and Botswana GNP *per capita*s during the period studied is early in the decade, and then the variance narrows radically. This holds not only in relative terms but indeed in absolute terms, doubly emphasizing the economic parity between these states. Again, both states experienced similarly vigorous economies throughout the decade with, at the time of the East Caprivian event in 1999, no real or perceived decrease in economic gains or anticipated gains.

### *Consumer Price Inflation*

Though figures for Namibia are spottier than those for Botswana (Table 4.3 and Figure 4.3), we can nonetheless see a pattern of general parity in terms of consumer price inflation (CPI) for the period discussed. Granted, the early part of the decade (prior to 1995) seems to have greater pattern parity than

Table 4.3: Rate of Consumer Price Inflation as a Proportion of the Gross National Product

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Namibia	15.1	15.1	17	10	17.9	11	11	8	8	7	8.5
Botswana	11.45	12	12.6	16.5	14	10	10	9.8	10	9	7.7

Source: CIA *World Factbook* (1990-2000)

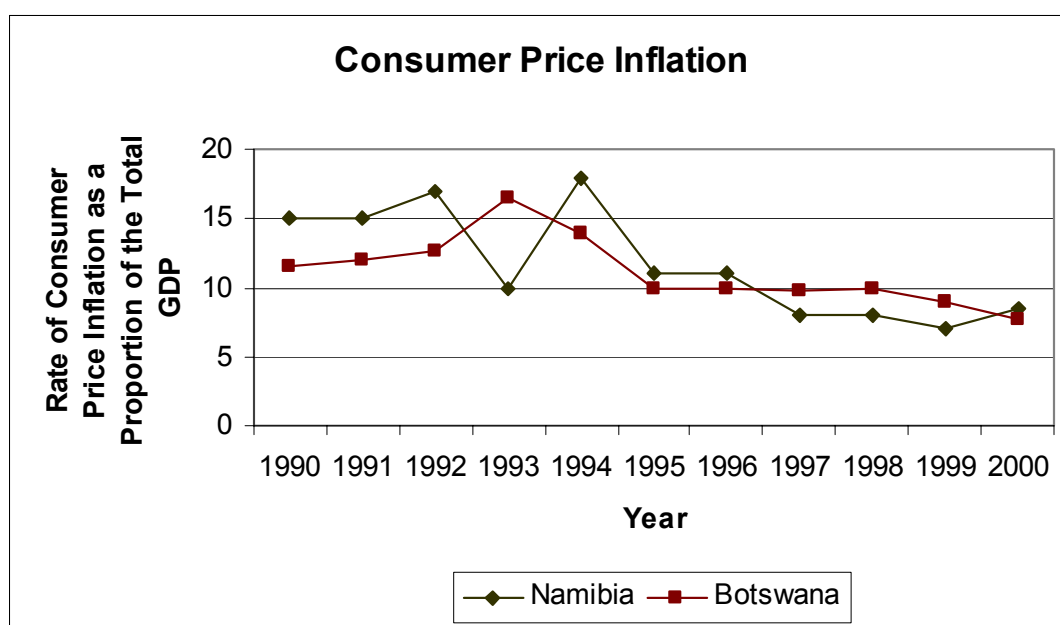


Figure 4.3: Consumer Price Inflation

Source: CIA *World Factbook* (1990-2000)

the latter half, but even then the pattern is one of gradual convergence (after a single, substantial drop in CPI) rather than divergence.

### *Income Inequality*

Corrado Gini's Gini Index, developed in his 1912 paper "Variability and Mutability," is one of the most commonly used measures of income inequality, with 0 representing a state of perfect equality and 1 representing a state of perfect wealth agglomeration (one person controls all available wealth). That said, calculating the nature of income inequality in undeveloped and underdeveloped states is an extremely difficult task, in no small part by virtue of the high proportion of people who continue to make their living from subsistence farming and herding and due to the high proportion of people who are not officially monitored by the state. This is, of course, the case in both Namibia and Botswana, so Gini indices are not calculated by international bodies for these state with any frequency. That said, the United Nations *Development Program Report* (2005, 270), lists Namibia as having the most unequal income distribution in the entire world, with an index score of 70.7. As tremendous as this degree of income inequality is, Botswana is not far behind, having a Gini index of 63, the third highest in the world.

What do these scores mean? Well, this depends on one's theoretical disposition. On the one hand, some theorists would assert that the degree of income inequality increases the odds of conflict by making the differences



between economic classes (which are often times, particularly in Africa, correlated with ethnic and/or religious differences) more manifest, whereas other theorists would assert that the radical degree of inequality prevents the general population from even having the capacity of developing any significant resistance to the orthodox political-economy. Those merely subsisting simply lack the time and resources, these theorists would assert, to resist. Therefore, the overall meaning of their scores lies in contention – but their relative parity, in relation to the rest of humanity, is fairly obvious. That said, the nearly 8 point difference in their scores is not insignificant – yet, in light of the theoretical uncertainty there is some question as to what such a difference would make and whether or not, at the point of inequality present in these states, the difference is one of declining significance with regards to political outcomes. And finally, it should be noted that the most recent income survey in the two states, the survey that the United Nations drew their data from, was completed in 1993. Namibia was still involved in recovering from their recent independence from South Africa, a state which, even as a colonial power, still was the eighth most unequal political economy according to the *Development Program Report*, and their most recent survey was far more recent: 2000.

#### *Composition and Modernity of Economy*

The economies of both Namibia and Botswana are both overwhelmingly dependent on unfinished goods – specifically, in both states, on raw mineral

wealth and agricultural goods. Economic composition matters for one key reason in particular – a political-economy dependent on a very few key items, especially unfinished goods, tends to be a highly inegalitarian state, and therefore a state in which resource competition and grievance formation are high.

Of course, an additional subject of consideration is the newness of the contemporary political-economic conditions – is the system in a period of relatively stability, with steady but low percentage growth, is the system in a period of extraordinarily rapid growth, is the system in a period of gradual decline, or is the system in a recession or depression following an experience of steady or radical growth? Declining growth, of course, has the potential to lead to disaffection, resource competition, and grievance development, and rapid growth leads to displacement and an explosion of *relative* knowledge, as well as increases in elites' abilities to communicate with and influence their underlings. But it is unquestionably the sudden shift from one pattern of growth to a pattern of sudden decline that leads to the most disruption.

The relevance of economic composition lies in the fact that changes in economic composition present a sort of metaphorical map of general economic evolution from a different dimension – each technology bundle, a concept implied in Kondratieff's work (1984), that dominates a given political economy, be it a subsistence agriculture, profit-oriented agriculture, mining/refining, heavy or light industrial, or service-based system, bears with it a different arrangement of both labor and capital placement. By mapping

labor and capital placement and then looking at changes in the area of said placement, we can develop a sense of how changes in the economy are actually affecting particular sectors of people. Our working assumption can then be that the state with the greatest level of disruption, with particular emphasis on disruption with simultaneously declining prospects, is the state most likely to experience an onset of radical, extraordinary politics.

We can begin by discussing the percentage of Gross Domestic Product (GDP) occupied in each particular state by each sector. If we consider Table 4.4, built on data drawn from the *CIA World Factbook*, we can see a few interesting points. First, Namibia's GDP is far more dependent on agriculture than is Botswana's – over 8% more, in fact. Immediately this would seem to indicate that Namibia's economy is the less mature of the two, but before discussing the validity of such a statement, let's consider the remaining sectors. On the one hand both states have very large service sectors which are, over time, shrinking in their relative importance. Why should this be the case? This is difficult to say – save that it is probably more the industrial sector's relative significance than it is of any real decline in the service sector, especially given the rate of urbanization in both states.

Moving on to the industrial sector – we can see that both states have seen rapid relative growth here – 3% in Botswana, but a huge 10% in Namibia. The CIA explicitly points out that of Botswana's industrial strength, the majority of this is actually in the mining sector – most of which, it is fair to

Table 4.4: Relative Size of Economic Sectors in Namibia and Botswana

	1995	1997	1998
Namibia	<i>agriculture: 15%</i> <i>industry: 20%</i> <i>services: 65%</i>	n/a	<i>agriculture: 12%</i> <i>industry: 30%</i> <i>services: 58%</i>
Botswana	<i>agriculture: 4%</i> <i>industry: 43%</i> <i>services : 53%</i>	<i>agriculture: 4%</i> <i>industry: 45%</i> (including 35% mining) <i>services: 51%</i>	<i>agriculture: 4%</i> <i>industry: 46%</i> (including 36% mining) <i>services: 50%</i>

Source: CIA World Factbook (1990-2000)

Table 4.5: Labor Force Distribution of Namibia and Botswana

	1990	1992	1994	1995	1999
Namibia Workforce by Sector	n/a	n/a	agriculture 49%, industry and commerce 25%, services 5%, government 18%, mining 3%	n/a	agriculture 47%, industry 25%, services 28%
Namibia Workforce	n/a	n/a	500,000	n/a	500,000
Namibia Population	1,452,951	1,574,927	1,595,567	1,651,545	1,771,327
Botswana Workforce by Sector	198,500 formal sector employees, most others are engaged in cattle raising and subsistence agriculture (1990 est.); 14,600	220,000 formal sector employees, most others are engaged in cattle raising and subsistence agriculture (1992 est.); 14,300 are employed in various mines in South Africa	n/a	235,000 formal sector employees (1995) <i>by occupation:</i> 100,000 public sector; 135,000 private sector, including 14,300 who are employed in various mines in South Africa; most others engaged in cattle raising and subsistence agriculture	n/a
Botswana Workforce	400,000	428,000	n/a	n/a	n/a
Botswana Population	1,224,527	1,292,210	1,359,352	1,392,414	1,464,167

Source: CIA *World Factbook* (1990-2000)

say, is probably concentrated in the diamond sector which has been a massive source of income of the state. Sadly, the CIA fails to provide us with similar data for Namibia, though the United Nations *Namibia Common Country Assessment* for 2004 asserts that mining composed some 10.4% of the Namibian economy in 1994 *separate* from the industrial sector (listed as 13.1%). The vast majority of mining wealth in both countries, of course, is in the form of diamonds, which are mined on a vast scale.

Turning to the statistics on employment by sector (Table 4.5), we see a substantially different picture. Despite the fact that most of the formal wealth, that is to say wealth that could be accessed and assessed by the government using formal, modern means of taxation, is concentrated in non-agricultural sectors, in both Botswana and Namibia labor is overwhelmingly concentrated in the agricultural sector – over 50% of both populations are formally coded as such by their respective governments, but given the disparity between formal workforces and total populations, we can assume that subsistence agriculture is much higher, approaching 80 to 90% in both states. This speaks to several key points. First, the general population is probably highly independent of government services but simultaneously lacks the resources to mobilize against a modern military and police forces (in the absence of a full-scale, nationwide revolution, at least). Furthermore, the high proportion of subsistence farmers indicates a high proportion of people who risk their lives doubly in proportion to their participation in any sort of radical, extraordinary politics – they risk death at the hands of the government and through

inattention to their own landholdings. This, to a large extent, may help explain Namibia and Botswana's overall stability.

A key difference in the workforces of the two states lies in the difference in the size of their public and private sectors. Botswana's government sector composes almost half of that state's formal workforce, whereas in Namibia, a state ruled since independence by a party which justified their pre-independence efforts in socialist ideological terms, the formal workforce is only 18% governmental in structure. This is, frankly, a huge difference. What are the implications of this? Well, this is difficult to say. Theoretically it may simply mean that a higher proportion of Botswana's population is relatively less likely to rebel given their economic dependence on the contemporary system, but how much less likely to rebel is highly questionable, and as the transnational Revolution of 1989 made very clear, high governmental employment is by no means an overly stabilizing force.

So the question remains – how similar, or dissimilar –are the sectoral differences between Namibia and Botswana? In the overall picture of the labor force, we can say very similar – both are utterly dominated by agriculture, specifically subsistence agriculture. With regards to the labor of non-agriculture sectors, we can say that the labor economy of Botswana is, however, quite different from that of its peer, being dominated by mining and government concerns rather than a more balanced arrangement of light and heavy industry, government, and service sectors. In this regard I would be inclined to say that Botswana's lack of diversification relative to Namibia

makes it less stable economically (as indicated by slowing growth when the diamond market fell in the mid-1990s), making it the more prone to radical, extraordinary politics following the structural-institutional method. On the other hand, in terms of capital distribution (as indicated by GDP produced by each sector), a similar picture seems to appear. Granted, the CIA data does not break down the statistics for Namibia well enough to be definitely sure, but we can say that given the nature of hirings in Namibia, most of the rapid industrial growth seems to be in light and heavy industry, that is to say finished goods, rather than in unfinished goods. While this definitely indicates a more developed economy, the importance of these facts are not simple. First, the rapid growth of new sectors means that all the bogeys predicted the modernization-as-a-destablizer theorists have a definite bone to gnaw. Alternatively, the growth seems to be balanced, shielding the economy from the kinds of ups and downs which Botswana is far less effective at dealing with. Thus, I would argue that, on this indicator set, Namibia and Botswana are relatively close to parity, with Botswana being slightly more likely to experience radical, extraordinary politics.

### *Urbanization*

When considered alone, urbanization is a relatively innocuous structural pattern. Some states with high urbanization are highly stable, while some with high urbanization are wracked with terrorism and/or warfare. What seems to matter, however, is whether or not states are highly urbanized *and*



have the essential diversified, modern economies capable of sustaining modern *and* uncorrupt civil services, police, and essential public goods, notably water, sewage, housing, and electricity.

States experiencing rapid urbanization, it should be said, are probably overall relatively more likely to experience radical, extraordinary politics given that these states are usually also experiencing rapid economic transformation. When agriculture is shifting from subsistence- to profit-oriented, when desertification or dessication have begun to occur, or when new labor-saving technologies (e.g. mechanization or fertilization) are being employed, people formerly capable of earning their livelihoods from agriculture tend to be freed in large numbers. These economically disenfranchised peoples seek employment where they can (often spurring the appearance of urbanization), but just as often are unable to find employment. These freemen are, then, ready recruits for disestablishmentarian elites – they are both disaffected and have few political-economic ties to their previous lives.

In their 2002 paper “Mobile Namibia: Migration Trends and Attitudes,” Frayne and Pendleton summarize the state of urbanization in Namibia during the 1990s. They point out how international migration had been severely limited under South African sovereignty, limited, essentially to forced migration for people not of European descent. Immediately following independence, however, internal migration increased substantially. Frayne and Pendleton describe this phenomena, noting that:

Since independence in 1990 there has been a substantial increase in rural-urban migration, which has resulted in significant urban growth. For example, the 1991 Population Census urban percentage of population was about 32% and the estimated 1996 urban population was 40%. Given the recent increases in the population of major towns, this percentage is even higher. (7)

An eight percent difference in only five years is, to understate things, substantially.

The Institute for Security Studies (ISS), on the other hand, reports that, “Botswana has seen rapid urbanization, the urban population increasing from 18% in 1981 to 52% in 2000 according to (broadly defined) government estimates, although the UN reports a 28% urbanization rate.” This rate of change, like that of Namibia, can only be described as substantial - a change of 32% by the highest estimates and 8% by the lowest over a ten-year period.

It should be noted that the Socioeconomic Data and Applications Center gives substantially different figures for Namibia’s degree of urbanization (gleaned from the United Nations’ *World Urbanization Prospects* report of 2001), asserting that Botswana is 18% more urbanized than is Namibia (using a threshold of percentage of people living in communities with populations of more than 5,000). This is a substantial difference – just under

half of Botswana's people live in towns or cities, while only about a third of Namibians live in societies larger than 5000.

All this said, it remains difficult to say which state is urbanizing at a higher rate – there is little agreement on what constitutes urbanization and even less accurate data on migration patterns – problems which are not entirely unexpected for nation-states of Namibia and Botswana's level of development. What can be said, however, is that in both states we can readily assume that the rate of urbanization is high enough to destabilize political systems somewhat, denigrating state control in urban areas in particular, but also is symptomatic of other destabilizing events, including modernization and failing rural socio-economic systems.

In a final note, I would like to make an observation on the social geography of urbanization in the two states. Specifically, according to the Socioeconomic Data and Applications Center's Gridded Population of the World and Global Rural-Urban Mapping Project, the proportion of land dedicated to urban activities remains trivial in both Botswana and Namibia – under 1% in both states. Thus, though both states are urbanizing at very rapid rates, in both states the vast majority of the spatial area remains in a state of either wilderness, in a state of natural resource harvesting, or dedicated to agricultural or pastoral activities.

### *Popular Access to Modern, Essential Infrastructure*

The Afrobarometer surveys of 1999 included questions on the general populations' of the surveyed states access to key forms of infrastructure/services that are generally regarded as essential elements of modern political-economies. Specifically, the surveys asked if citizens of Namibia and Botswana had access to electricity and water in their homes and whether or not an affordable school was close enough to their homes that their children were able to attend. These particular items are essential not just in terms of their impact on individuals' quality of life, but furthermore in relation to the relevant nation-states' success in the realms of modernization and interstate competition.

The first key measure, whether or not people had electrical hook-ups in their home (Table 4.6) yields a difference between the states that is not enormous, yet nor is it negligible. Specifically, there is a five percent gap in the proportion of people with such access between the two states, with Namibia's development being more advanced than its peer. On the other hand, in terms of plumbing infrastructure, Botswana has gained a definite, massive relative advantage, providing access to indoor plumbing to almost 20% more of its people than Namibia (Table 4.7).

The importance of these variations is difficult to decipher. While clean water, of course, is an essential building block of any modern, high-population nation-state, it may be readily achieved either through a modern public water

Table 4.6: Do You Have Electricity in Your Home?

	Namibia	Botswana
Yes	390 (34%)	338 (29%)
No	760 (66%)	833 (71%)
Don't Know	1	5

Degrees of freedom: 2 ; Chi-square = 9.46 ;  $p$  is less than or equal to 0.01 ;  
The distribution is significant

Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

Table 4.7: Do You Have Running Water in Your Home?

	Namibia	Botswana
Yes	461	693
No	690	487
Don't Know	3	3

Degrees of freedom: 2 ; Chi-square = 81.31 ;  $p$  is less than or equal to 0.001 ;  
The distribution is significant

Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

Table 4.8: Is Affordable Education Available Nearby?

	Namibia	Botswana
Yes	926	1083
No	244	103
Don't Know	3	1

Degrees of freedom: 2 ; Chi-square = 70.48 ;  $p$  is less than or equal to 0.001 ;  
The distribution is significant.

Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

system (as in the case of most fully developed states) or through mass implementation of boiling practices (as in the case of China). Of course, the degree to which boiling is used in either state is impossible (without further survey efforts, at least) to know, and cannot be directly linked to electricity. That said, a modern water infrastructure has several other key advantages, most importantly being that it frees up enormous amounts of time and labor for other purposes for the average person. As to electricity, while it has many uses it may logically be assumed that increases in electrical infrastructure yield almost immediate increases in mass communication, both in terms of person-to-person and in terms of mass media – the degree to which this is important according to the orthodox theories of revolution and other forms of radical, extraordinary politics, however, is in direct reference to the rapidity with which such infrastructure is developed and, without earlier similar data that is difficult to determine – luckily some limited earlier data is available on specific communications and transportation infrastructure (see below) which may yield more conclusive and useful information.

With regards to variance between available school infrastructure, 91% of surveyed families in Botswana have easy access to affordable schools, while the same figure for Namibia is only 79% (see Table 4.8), a difference of some 12%. This difference, again substantial, represents another theoretical conundrum. While it should be said that, since we do not know just how rapidly school systems have developed in either state, we have a distinct blind spot in terms of understanding just how modernization of this form of

both personal improvement and mass indoctrination are likely to have impacted people's values and so forth. That said, it must be assumed that knowledge of public education is fairly widespread in most instances and persons not having access to this amenity are quite likely to see it as a failure of the system to provide an essential good.

### *Transportation Infrastructure*

We may describe Namibian and Botswana transportation infrastructure as relating to one another in two basic patterns: on the one hand, heavy transportation infrastructure, that is to say rail and air infrastructure, and on the other roadway infrastructure.

As we can see from Tables 4.9 and 4.10 and Figure 4.4 and 4.5, both rail and air infrastructure in Namibia are far more developed than in Botswana, a legacy of the South African regime's occupation of the former. That said, given that modernization theories of destabilization infer that it is not the presence or absence of transportation (or communication) infrastructure that leads to regime destabilization and collapse, but rather rapid changes in said infrastructure, we can rule out this particular variation as theoretically significant. What is, however, theoretically significant, is the similarity that exists between patterns of development between both states – in both growth (or the lack thereof) seems to be timed almost exactly. With regards to proportion, however, Botswana, *not* Namibia must be ruled the

Table 4.9: Total Length of Railroads (KM)

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Namibia	2341	2341	2341	2341	2341	2341	2382	2382	2382	2382	2382
Botswana	712	712	712	712	712	888	888	971	971	971	971

Source: CIA *World Factbook* (1990-2000)

Table 4.10: Total Number of Usable Airports

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Namibia	123	123	112	112	109	135	108	111	133	133	135
Botswana	87	87	87	87	90	100	100	80	92	92	92

Source: CIA *World Factbook* (1990-2000)



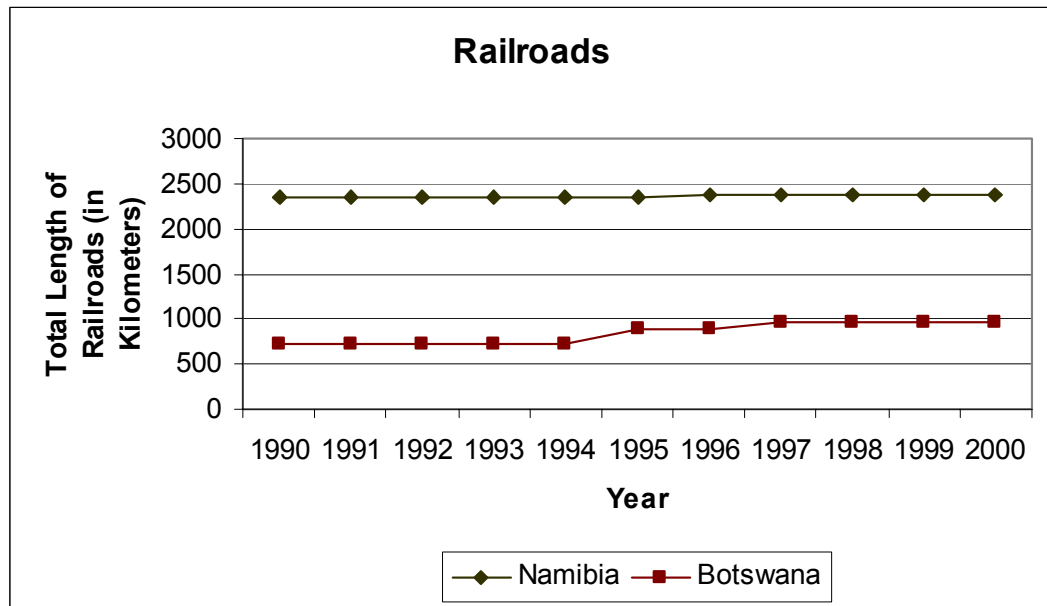


Figure 4.4: Total Length of Railroads  
Source: CIA *World Factbook* (1990-2000)

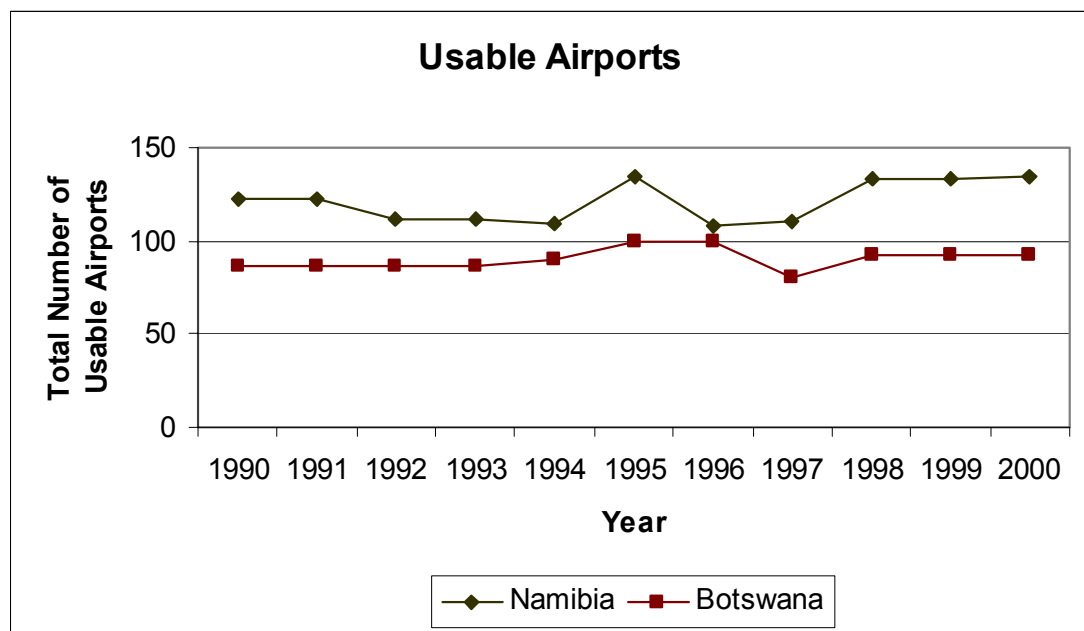


Figure 4.5: Usable Airports  
Source: CIA *World Factbook* (1990-2000)

Table 4.11: Total Length of Usable Roads (KM)

	1990	1991	1992	1993	1994	1995	1996	1998	1999	2000
Namibia	54500	54500	54500	54500	54500	54500	54186	64799	64799	63258
Botswana	11514	11514	11514	11514	11514	11514	11514	18482	18482	18482

Source: CIA *World Factbook* (1990-2000)

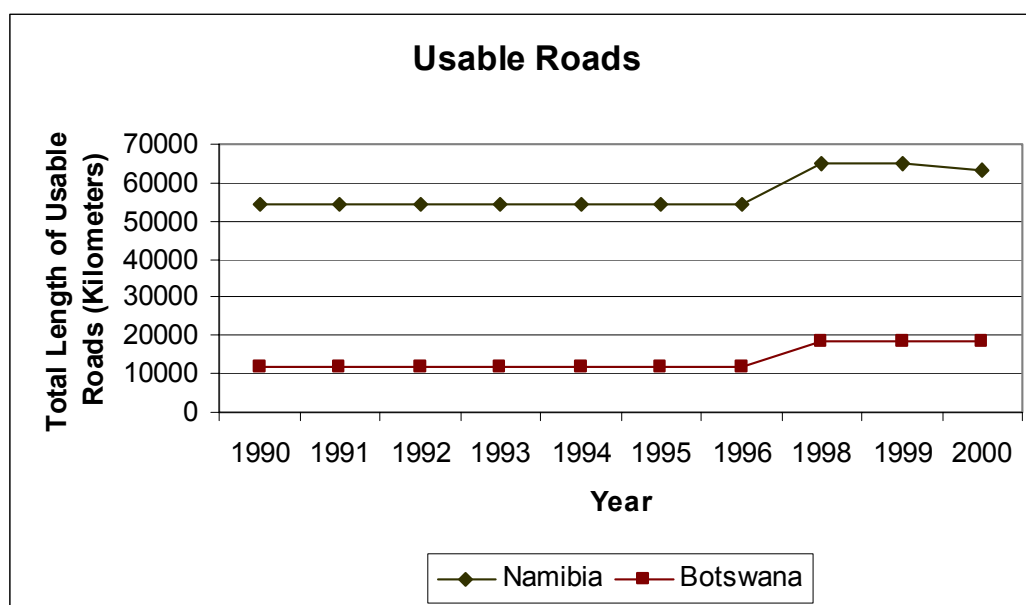


Chart 4.6: Total Length of Usable Roads

Source: CIA *World Factbook* (1990-2000)

theoretically more likely state to experience radical, extraordinary politics.

This is due not to transformations in air infrastructure, but in rail infrastructure, where Namibia experiences virtually no significant changes during this period but Botswana experiences relatively substantial growth, an increase of over 35%.

With regards to highway/road growth, on the other hand, we can see that both Namibia and Botswana have, during the period studied, both experienced radical increases in the total number of roadways (Table 4.11 and Figure 4.6). That said, the *relative* growth of roadways in Botswana vastly outpaces that of Namibia – the total length of roadways in Botswana nearly doubles, while Namibia’s considerable growth is only (if that is the proper word for such substantial growth) about 20% during that time. Thus it may be argued that while both states could be predicted to experience radical, extraordinary politics during this period, it is *again* Botswana which seems to match the orthodox theoretical model more strictly, not Namibia.

### *Communication Infrastructure*

The spottiest communication technology, in terms of accurate data, is that of the total number of telephones in each state during the period examined (see Tables 4.12, 4.13, and 4.14 for communications data) That said, enormous growth in this sector is not entirely balanced – specifically, Namibia’s growth in total number of available phones from the period between 1990 and 2000

Table 4.12: Total Number of Telephones

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Namibia	62800		89722								
Botswana	17900		26000						78000		

Source: CIA *World Factbook* (1990-2000)

Table 4.13: Total Number of FM Stations

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Namibia	40	40	40	40	40	40	40	40	34	34	34
Botswana	3	3	13	13	13	13	13	13	13	15	15

Source: CIA *World Factbook* (1990-2000)

Table 4.14: Total Number of TV Stations

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Namibia	3	3	3	3	3	3	3	8	8	8	8
Botswana	0	1	0	0	0	0	0	0	0	0	0

Source: CIA *World Factbook* (1990-2000)

nearly doubled, but between 1990 and 1998, a two-year shorter period, Botswana's total number of available telephones more than quadrupled. In terms of radio infrastructure (Tables 4.13), a few interesting differences appear. In the first place, Namibia inherited a substantially more developed radio infrastructure set from South Africa upon independence – Botswana, on the other hand, entered the 1990s with very little radio infrastructure and then experienced a boom in terms of radio infrastructure development in the early part of the decade – leaving it with substantially more AM stations than Namibia by the end of the decade but far fewer FM stations.

Finally, in terms of television infrastructure (Table 4.14), Namibia's infrastructure is hardly even comparable to Botswana's – not only does Namibia enter the decade with three stations to Botswana's zero, it experiences substantial expansion in total available channels during the 1990s while, with the exception of an early 1990s "burp," Botswana experiences no growth in this sector.

The question remains, in terms of transformations in communication infrastructure, that is to say the modernization of communication infrastructure, which state experienced transformations more likely to destabilize them? In terms of telephones, both states experienced growth so rapid as to fit modernization-as-a-cause-of-destablization hypotheses, though Botswana's comparatively enormous growth in this sector puts it in the place of "clear winner." On the other hand, in terms of radio infrastructure Botswana's growth pattern seems to make it the better candidate for

destablization, whereas in the case of television Namibia's growth pushes it into the forefront.

The question of structural parity is, then, somewhat problematic in this category. Though Botswana seems to have actually experienced more destabilizing growth of communications infrastructure than Namibia during the studied period, one must ask whether or not television has a potential for destabilization greater than that of the other two sets of infrastructure either individually or even together. Regardless, substantial doubt has been constructed as to whether or not Namibia can, in this regard, be considered more unstable than Botswana in terms of communications development prior to the East Caprivian incidents.

### *Economic Prospects*

Theories on revolution and other forms of radical, extraordinary politics do not, however, limit themselves to asserting that the transformation of the system from a state of ordinary politics to extraordinary politics is the product of the economic situation. Rather, they assert that it is declining perceived benefits as well as perceived potential for future benefits. For information on this matter we may consult survey data taken from Afrobarometer studies.

First, if we consider Tables 4.15 and 4.16 we can see immediately that Namibia had both lower levels of general dissatisfaction with the state of the economy and higher levels of satisfaction with the economy over time, that is to say higher perceived benefits from the economy, than Botswana. This is

Table 4.15: Satisfaction With Current Economic Conditions

	Namibia	Botswana
Very Dissatisfied	83	174
Dissatisfied	270	468
Neither Dissatisfied or Satisfied	190	112
Satisfied	404	309
Very Satisfied	77	70
Don't Know	109	43

Degrees of freedom: 5 ; Chi-square = 146.39 ;  $p$  is less than or equal to 0.001; The distribution is significant.

Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

Table 4.16: Satisfaction With Current Economic Conditions Compared to the Previous Year

	Namibia	Botswana
Very Dissatisfied	46	96
Dissatisfied	182	262
Neither Dissatisfied or Satisfied	299	445
Satisfied	385	250
Very Satisfied	83	59
Don't Know	131	67

Degrees of freedom: 5 ; Chi-square = 112.96 ;  $p$  is less than or equal to 0.001; The distribution is significant

Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

not to say that Namibia does not still have significant economic dissatisfaction, nor is it to say that Namibia does not have a significant number of people who felt like their economic condition was neither improving or actually getting worse – it is, however, to say that relative to Botswana economic satisfaction was, in the eyes of the general theory, less likely to lead to radical, extraordinary politics.

This point is further supported when we consider another Afrobarometer survey question – specifically, “in twelve months time? Do you expect economic conditions in Namibia [or Botswana] to be worse, the same, or better than they are now?” Here again, as we see in Table 4.17, the people of Botswana consistently see their economic situation in a more pessimistic light than those of Namibia – 47% of Namibians predicted improvement in their situation while only 32% of Botswana did the same, and 26% of Botswana believed their economic situation was likely to decline in quality in the near future, whereas only 16% of Namibians did.

## **Socio-Cultural Comparison**

Several socio-cultural comparisons are theoretically relevant. Specifically these include statistics on fertility, migration, and average lifespan.

Additionally, comparative overviews of the ethno-cultural and religious make-ups of both states, with specific emphasis on the degrees of fractionalization and cross-border/interstate ties, may turn out to be relevant. Finally, basic measures of attitudes towards gender-relations and ethnic relations, with



Table 4.17: Prospects for Economic Conditions in the Coming Year

	Namibia	Botswana
Very Dissatisfied	38	95
Dissatisfied	149	207
Neither Dissatisfied or Satisfied	214	316
Satisfied	370	286
Very Satisfied	154	91
Don't Know	204	181

Degrees of freedom: 5 ; Chi-square = 80.91 ;  $p$  is less than or equal to 0.001 ;  
The distribution is significant

Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

specific emphasis on the presence (or absence) of egalitarianism are highly relevant.

### *Total Population*

The total populations of Namibia and Botswana are roughly the same and have been so for a substantial period of time (Table 4.18 and Figure 4.7). They can be said to be in rough parity with one another and, indeed, converging in absolute terms as time progresses (for population growth, see below).

### *Lifespan*

Consider Tables 4.19 and 4.20 and Figures 4.8 and 4.9; the implications are obvious: both Namibia and Botswana are experiencing population affecting phenomena that are virtually parallel. The sudden drops in expected lifespan for both men and women in these states in the latter half of the 1990s in *both* of these states, with Botswana's experience occurring slightly before Namibia's, infers a political, economic, and social experience that is highly similar and, in both cases, probably the result of the AIDS epidemic. The inference is that *both* states, rather than just Namibia, might be expected to experience a higher chance of radical, extraordinary politics during the period studied as the expected gains from the orthodox system in both countries drops precipitously in arguably the most salient possible category for the

Table 4.18: Total Population (In Millions)

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Namibia	1.452	1.52	1.575	1.541	1.596	1.652	1.677	1.727	1.622	1.648	1.771
Botswana	1.225	1.258	1.292	1.326	1.359	1.392	1.478	1.501	1.448	1.464	1.577

Source: CIA *World Factbook* (1990-2000)

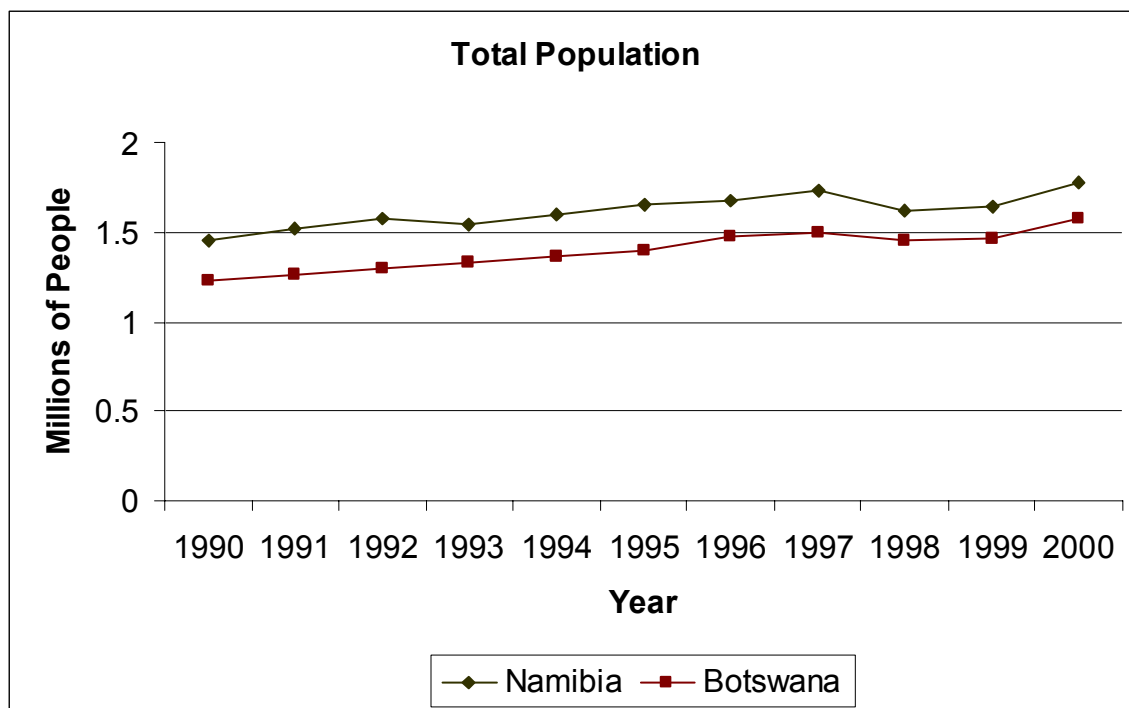


Figure 4.7: Total Population

Source: CIA *World Factbook* (1990-2000)

Table 4.19: Median Expected Age of Death for Males

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Namibia	57	58	58	58.6	58.97	59.4	62.8	63.23	41.73	41.6	42.5
Botswana	58	59	59	59.5	60	60.5	44.9	43.5	39.5	39.4	38.6

Source: CIA *World Factbook* (1990-2000)

Table 4.20: Median Expected Age of Death for Females

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Namibia	63	63	63	63.9	64.4	64.9	66.7	66.6	41.24	40.9	40.5
Botswana	64	65	65	65.7	66	66.7	47.1	45.6	40.8	40.4	39.9

Source: CIA *World Factbook* (1990-2000)

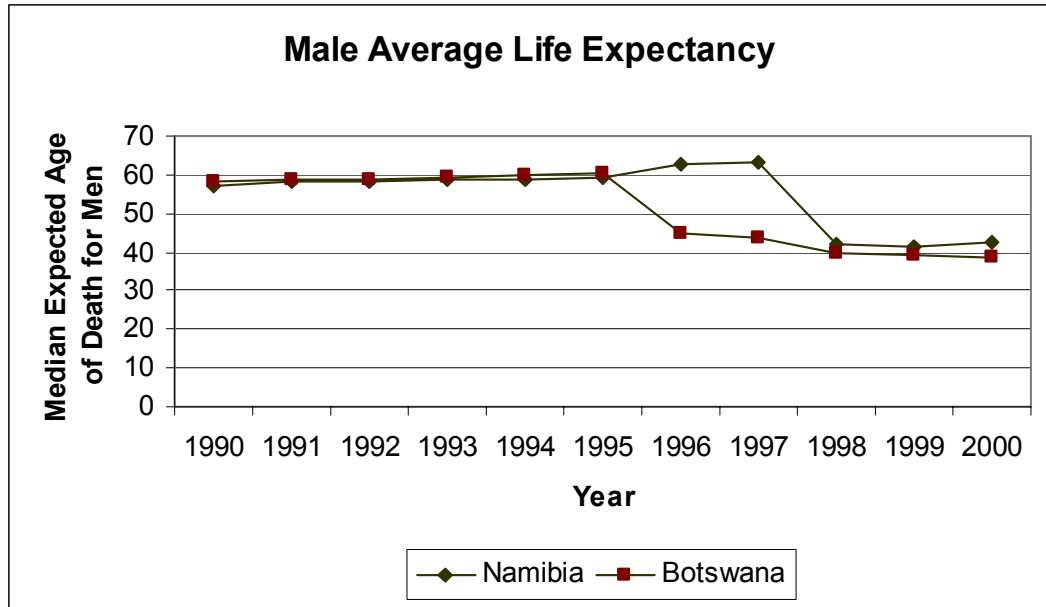


Figure 4.8: Male Life Expectancy  
Source: CIA *World Factbook* (1990-2000)

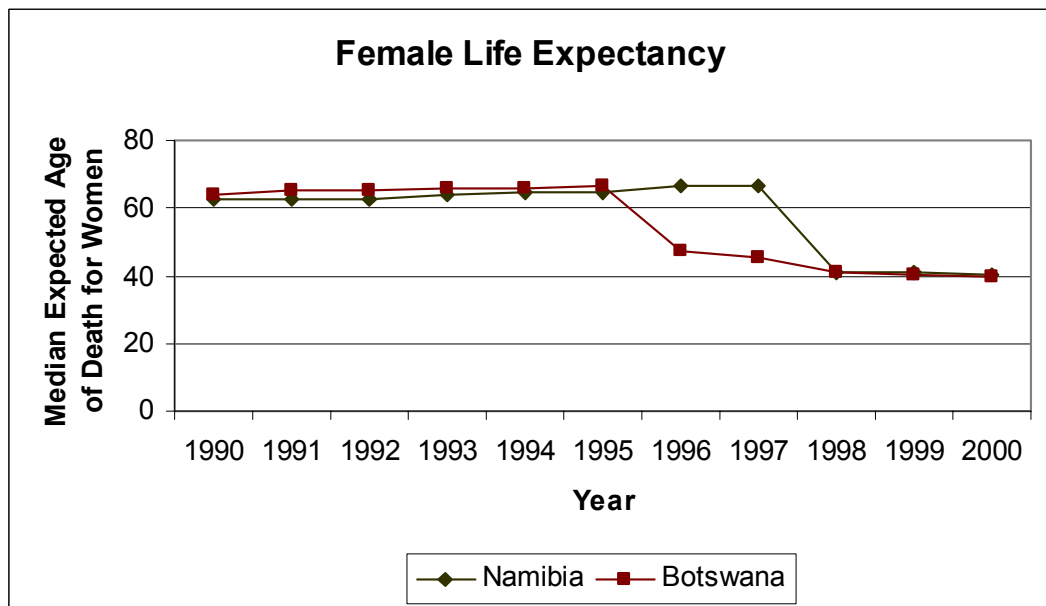


Figure 4.9: Female Life Expectancy  
Source: CIA *World Factbook* (1990-2000)

average person. That said, there is no question that in this category these nation-states are in a state of manifest parity.

### *Fertility Rates and Population Growth*

In mapping fertility rates in both Namibia and Botswana, we see that both states, during the period studied, experienced gradually declining rates overall throughout the period observed (Table 4.21 and Figure 4.10). The rate of *change* difference is over 1 child difference for only one year (1995) and for all but two years is less than .1 child, indicating that feminization (women taking on non-traditional roles) and a general modernization of family political economics are continuing at very similar rates in both countries – the AIDS crisis may also contribute this phenomenon. Indeed, though Botswana's fertility rate at the beginning of the decade is nearly two children per woman less than Namibia's, the two states seem to be converging rapidly in this regard, inferring that the two states, experiencing similar patterns of change, are additionally, gradually, becoming more alike in absolute terms as well in this regard.

This picture is only further emphasized when we consider the changing rates of population growth in both countries (Table 4.22 and Figure 4.11). Both states are experiencing rapid declines in the rate of population growth throughout the period studied – Namibia begins the period with declines that are more dramatic, but ultimately their rate of decline falls more into line with patterns present in Botswana. All of the earlier potential explanations for

Table 4.21: Total Fertility Rate (Median Number of Children Expected Per Woman)

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Namibia	6.6	6.6	6.5	6.46	6.4	6.34	5.1	5.05	4.99	4.94	4.89
Botswana	4.8	4.6	4.4	4.25	4.06	3.86	4.26	4.14	4.03	3.91	3.8

Source: CIA *World Factbook* (1990-2000)

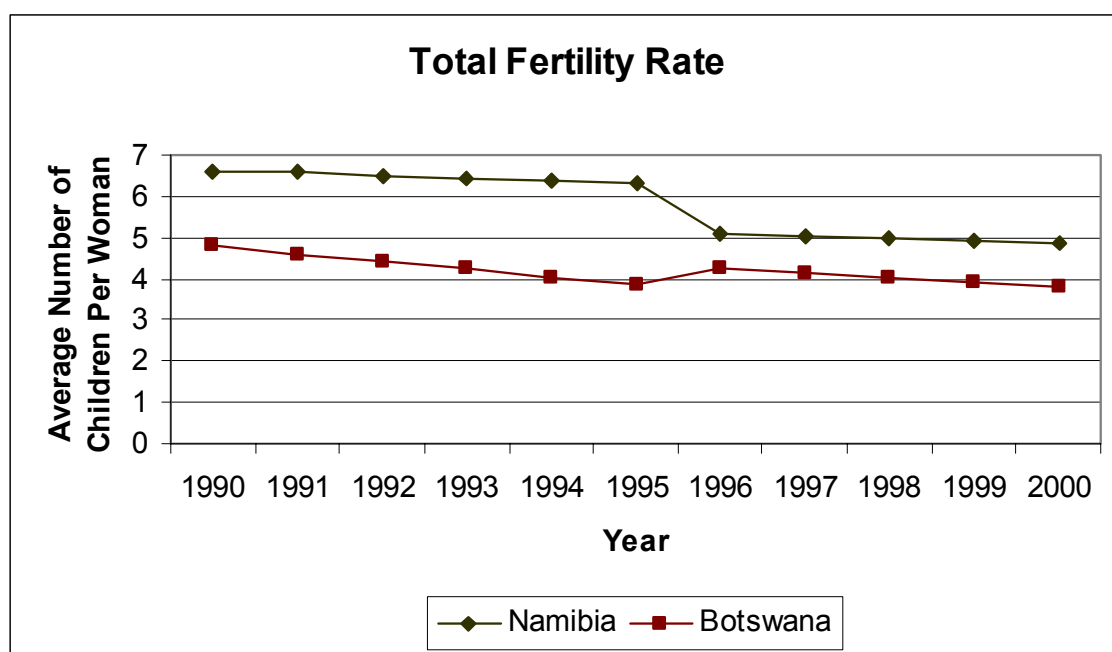


Figure 4.10: Total Fertility Rate

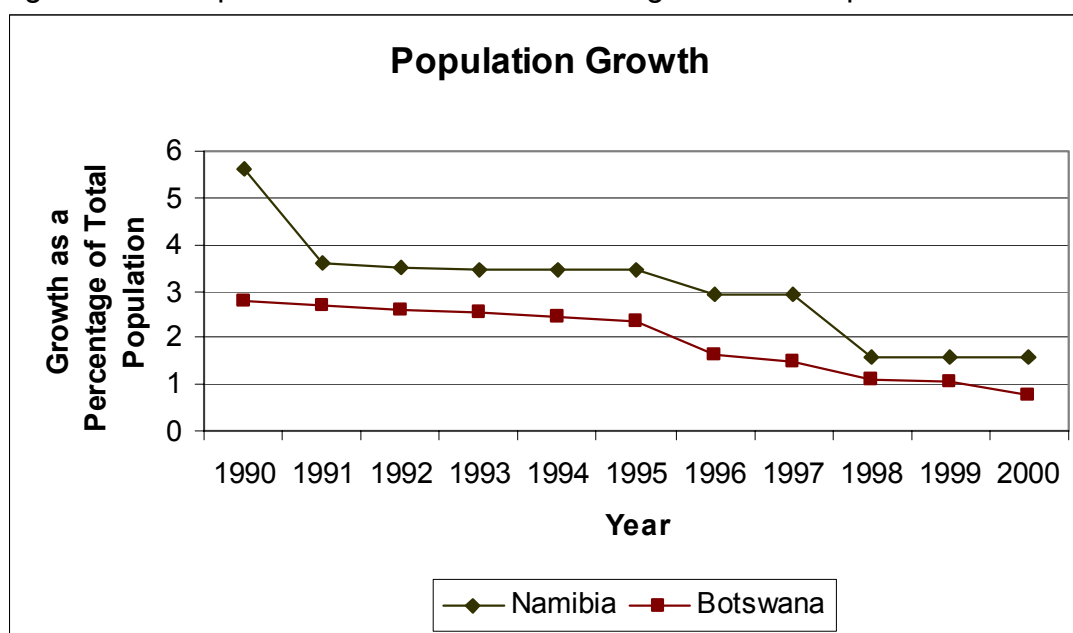
Source: CIA *World Factbook* (1990-2000)

Table 4.22: Growth as a Percentage of Population

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Namibia	5.6	3.6	3.5	3.46	3.45	3.44	2.93	2.94	1.6	1.57	1.57
Botswana	2.8	2.7	2.6	2.53	2.45	2.36	1.63	1.48	1.11	1.05	0.76

Source: CIA *World Factbook* (1990-2000)

Figure 4.11: Population Growth as a Percentage of Total Population



Source: CIA *World Factbook* (1990-2000)



transformations in fertility rates remain valid, of course, as does the key point here - that their changes remain roughly in parity with one another.

### *Infant Mortality Rates*

If we compare the infant mortality rates (IMR) of Namibia and Botswana (Table 4.23 and Figure 4.12) we can see that the general patterns of both states are relatively similar – in both states we see a gradual decline in the overall IMR through the mid-1990s, troughing out in 1995 for Botswana and 1997 for Namibia. Then we see a substantial increase in the IMRs of both states leading into the period of the East Caprivian rebellion. Thus, in terms of overall pattern, we can say that both states have experienced obvious overall parity.

There remains, however, a question of relative deprivation here. During the 1990s Namibia's IMR experience may be described as a period of sudden, dramatic benefit which evaporates as quickly as it came into an IMR that is virtually the same as a decade before. Alternatively, Botswana's experience was one of steady gradually improving IMRs throughout recent years and then, towards the end of the decade, a radical reversal of fortunes, undoubtedly related to the HIV/AIDS crisis that is currently ravaging the nation. The question here is, simply put, which scenario had the greatest psychological impact – one of brief hopes undermined or one of relative normalcy over decades disappearing rapidly. Arguments can be made for both of these as being the most damaging, yet it is hard to conceive that the

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Namibia	20	0	0	0	0	0	0	0	0	0	0
Botswana	0	0	0	0	0	0	0	0	0	0	0

Source: CIA *World Factbook* (1990-2000)

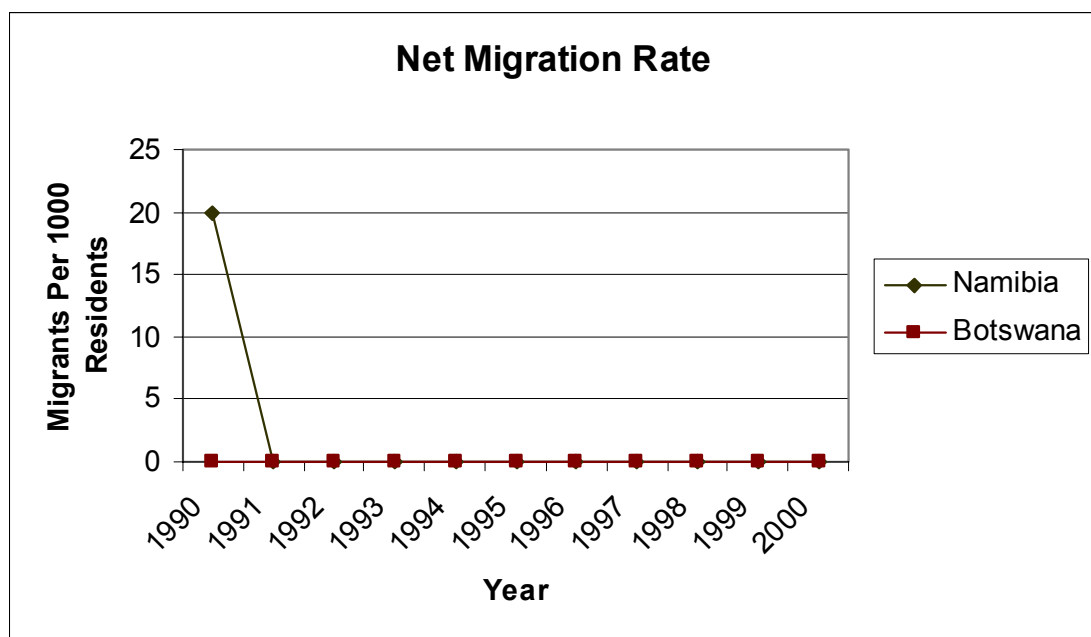


Figure 4.12: Net Migration Rate

Source: CIA *World Factbook* (1990-2000)

Namibian experience in this matter is truly substantially more destabilizing than that of the Batswana ordeal.

### *Migration Rates*

With the end of South African occupation of Namibia at the beginning of the decade, Namibia and Botswana's respective migration rates converge in absolute terms – Namibia, in other words, approaches near-zero migration rates, converging with Botswana's long-standing near-zero migration rates (Table 4.24). The inference would be that both states are experiencing political, social, and economic circumstances *in the time studied* that neither compel disadvantaged persons to flee on a large-scale nor impel the disadvantaged persons of other nation-states to seek refuge in these states. There is, in other words, relative parity between these states with regards to this figure.

### *Religious Make-Up*

According to figures taken from the CIA World Factbook, one of the key differences between Botswana and Namibia lies in the relative importance of Christianity in the two states. Botswana is only about half Christian, the other half of its population adhering to traditional religions, whereas Namibia is around 90% Christian, of which about half of which are Lutheran (a product of the early German colonization of the region).

Religious composition may matter in one of two ways. On the one hand, previous research has found that two of the major religious divisions, specifically states dominated by Roman Catholics and states dominated by Muslims, are more like to experience radical, extraordinary politics. Thus examining the religious composition of a state has the potential to yield substantive data on whether or not said state is likely to experience radical, extraordinary politics.

With response to this point, it seems that there is parity between the states – neither state has a substantial Islamic population and the Christian populations of both states are predominately protestant.

Secondarily, as with other identity-related factors, we can look at the level of religious fragmentation. The more fragmented the religious identity of a state, the less likely said state is to experience the onset of radical, extraordinary politics (Collier and Hoeffler 2000; Goldstone *et al.* 2000). Additionally, in states that have only slightly fractionalized states, that is to say states that have only a few substantive divisions, these divisions tend to take on great significance. This point seems counter-intuitive, perhaps because when highly fractionalized states do collapse their wars tend to be so violent that they remain highlighted in our memory.

By this model we can say that, in general terms, both Botswana and Namibia have relatively little religious diversity in terms of total number of groups but in which one state has a minority group of size (Namibia), whereas in the other state the two significant groups are virtually equal in size

(Botswana). Namibia, then, is the more likely state to experience religion-oriented political dissatisfaction as it has a religious minority large enough to be dangerous but small enough that it is unlikely to acquire substantive power through democratic means. Thus, while Botswana is no more diverse in terms of total number of religions, the comparative strength of traditionalism in said state makes its practitioners far more capable of moderating Christian machinations, thus making it less likely to experience radical, extraordinary politics.

A point remains, however – since both states are functioning democracies with relatively free exercise of both democratic principles and guarantees of religious rights, the significance of this predictor is somewhat (though by no means entirely) dampened.

### *Diversity and Identity Composition*

Before going into the structural characteristics of diversity in Botswana and Namibia, I would first like to outline them in socio-historical terms.

#### Religious Composition

According to figures taken from the CIA *World Factbook*, one of the key differences between Botswana and Namibia lies in the relative importance of Christianity in the two states. Botswana is only about half Christian, the other half of its population adhering to traditional religions, whereas Namibia is

around 90% Christian, of which about half of which are Lutheran (a product of the early German colonization of the region).

Both Botswana and Namibia have relatively little religious diversity in terms of total number of groups but in which one state has a minority group of size (Namibia), whereas in the other state the two significant groups are virtually equal in size (Botswana). Namibia has a religious minority large enough to be dangerous but small enough that it is unlikely to acquire substantive power through democratic means, and while Botswana is no more diverse in terms of total number of religions, the comparative strength of traditionalism in said state makes its practitioners far more capable of moderating Christian machinations than in Namibia.

### Ethnic Composition

Specific ethnic definitions do exist for both states. According to the CIA World Factbook, about 50% of Namibia's population belongs to the Ovambo tribe and 9% to the Kavangos tribe; other ethnic groups include the Herero at 7%, the Damara at 7%, the Nama at 5%, the Caprivians at 4%, Khoi-San Bushmen at 3%, the Baster peoples at 2%, and the Tswana at 0.5%. Additionally, approximately some 6% of the people are of European descent, predominately German and English, while about 6.5% of the population is of mixed race but not Baster – that is to say people of both African and European descent, in which their African descendants were not Khoi-San. Alternatively, Botswana's dominant ethnic group, the Tswana (or Setswana)

make up some 79% of the population, leaving 11% being Kalanga, 3% being Basarwa, and those of Khoi-San, Kgalagadi and European descent composing some 7% of the population.

The United Nations *Common Country Assessment* (2004) summarizes the linguistic situation in Namibia, noting:

Namibia has 24 indigenous languages and major dialects, including Oshiwambo, Rukavango, Otjiherero, Damara, Nama, Silozi, Khoisan and Setswana, and three prominent languages of European origin: Afrikaans, German and English. Although English is Namibia's official language, only 2% of households use it as their main language. Afrikaans remains the *lingua franca* in most of the southern four-fifths of the nation, while two dialects of Oshiwambo—Oshindonga and Oshikwanyama—are taught in some schools.

Now, this is an essential point. First, there are two *lingua francas* – English, the official language of government (and the primary second language being taught in the nation's schools currently), and Afrikaans, the *de facto* language of most commerce and day-to-day governmental activities. Secondly (UN Common Namibia Country Assessment, 2004) there is substantial diversity of language distribution in terms of languages spoken at home – Oshiwambo constitutes the largest group, with almost 50% of the population, but two groups, Nama/Damara speakers and Afrikaans speakers, constitute another 11% each, while Kavango speakers constitute almost 10% of the population,

while Otjiherero speakers constitute almost 8% of the population and Caprivi speakers some 5% of the population. Additionally, four other ethnic groups make up between 2% and 1% of the population.

Alternatively, *Ethnologue* (Gordon 2005) describes the linguistic situation in Botswana. Specifically, Tswana-speakers constitute around 75% of Botswana's population, speakers of Kalanga around 10%, and Kgalagadi speakers around 3%. Only five of the remaining ethnic groups constitute more than 1% of the total population (Birwa, Herero, Mbukushu, Nambaya, and Yeyi) – the remaining population is constituted primarily of, though not exclusively, of Khoisan.

### General Structure of Diversity

The role of diversity in conflict development remains a point of contention. There are two primary lines of logic. On the one hand is a Madisonian sort of hypothesis. Some theorists, most notably Collier and Hoeffler (2000), assert that very high levels of diversity decreases the ability of any particular group to violently oppose the orthodox political-economy – resources are too widely dispersed outside of the ruling coalition to result in outright radical, extraordinary politics. The primary cause of radical, extraordinary politics, in this perspective, lies in the agglomeration of power in too few hands, all of whom believe they have the capability of grabbing all remaining power.

On the other hand, however, are those theorists that assert that political instability tends to increase as ethnic and linguistic diversity



increases, as described in the work of Shleifer and Vishny (1993), Alesina (1994), Mauro (1995), La Porta *et al.* (1997), Easterly and Levin (1997).

These theorists, largely political economists and economists, hold that as ethnic diversity increases bureaucratic and institutional efficiency decrease and corruption increases, leading to greater levels of political instability and slowing the rate of economic development. Specifically, these theorists assert that

A logistic problem in discussing the concept of diversity lies in the problem of quantifying it, or at least making a measure that is truly transnational. Primordialists might adhere to the notion of discussing biological diversity or race, but most theorists assert that the key concern is actually identity. Language has usually been utilized as the primary measure of diversity with regards to diversity, but as Okediji (2005) asserts, this fails to take into account key variations of identity, or, more specifically, identity variations that are non-linguistic. While, according to Okediji (2005), Soviet social theorists were attempting to develop measures of identity fractionalization that took into account both linguistic and non-linguistic elements as early as 1964, the key Western works on the subject were published first by Taylor and Hudson in 1972 and Mauro in 1995. The indices they developed are known as ELF, or Ethno-Linguistic Fractionalization, indices. Specifically, these indices measure the probability that two randomly selected persons in a country will not belong to the same ethno-linguistic group. While these early measures depend largely on explicit

ethnic divisions as defined by linguistic differences, Okediji (2005) seeks to improve on the ELF including religious, racial, and what he calls primordial and I call non-linguistic identities. He assimilates this data into what he calls the SDI, or Social Diversity Index. This index ranges from 1, in which any single member of a state would have a 100% chance that any person they interacted with would be a member of another ethnic, linguistic, religious, or racial group, to 0 in which the odds are 0%.

Among Okediji's findings is that Botswana and Namibia have similar, but by no means perfectly symmetric, SDIs. Botswana's score is 0.9715, an extremely diverse score, whereas Namibia's score is .8753, also very diverse (and still in the second highest quartile), but still obviously less diverse than Botswana. To rephrase, Botswana is the 35<sup>th</sup> most diverse state on Earth (out of the 133 analyzed by Okediji), whereas Namibia is the 59<sup>th</sup>.

The question remains, what does this mean? First, we can say that there is a rough parity between Namibia and Botswana, with a small but meaningful lean towards one state or the other. Yet, which way this lean functions remains in question. If the neo-Madisonian theorists are correct, this lean would be towards Namibia – being slightly less diverse, it would be the state most likely to allow a minority group to acquire enough power to rationalize the use of force in acquiring goods. Alternatively, if the developmental theorists are correct, then Botswana is the state more likely to have experienced radical, extraordinary politics.

I will accept the latter of these two lines of theoretical work, based on two points. First, if we look at Okediji's SDI we can see that those states which are both stable and diverse, by and large, are products of either Northern Europe (British or Germanic) or Chinese political traditions. The vast majority of other political systems that are diverse are not politically stable or economically developed – inferring that they have developed unique social technologies to soften the impact of diversity on their polities (in the case of the Northern European traditions one thinks of the effects of the Protestant Reformation, in the Chinese tradition the effects of thousands of years of the simultaneous coexistence between Taoist, Confucian, and Buddhist traditions, not to mention the traditions of rulers from the Mongolian and Manchurian steppes).

Secondly, while the Madisonian approach is wholly rational, it is dependent (in a manner which Collier and his peers seem to miss) on an appropriate institutional arrangement – fractionalization in and of itself does not bring about stability *unless* it is funneled through an appropriate arrangement of laws and institutions – institutions like those *usually* employed by the Northern European states (since the Enlightenment) and Chinese states.

This is a key point, however, in explaining why Botswana and Namibia have experienced only a single period of radical, extraordinary politics between the two of them in the fifty-odd combined years of independence between the two states. Both states employ political institutions that, in

function and name, largely imitate those of Northern European states, which is to be expected given that both states are former colonies of just such states. While these institutions are young and definitely imperfect, they still have performed their avowed purposes with a relatively high level of respectability given their states' respectively high levels of diversity.

All this said, we also must be concerned with the number of ethnic groups in each state who share their ethno-linguistic identities with persons in neighboring states, a factor demonstrated to increase the odds said group will seek to engage in radical, extraordinary politics (Weiner 1971). The interstate implications of such a situation are well-known – few students of the social sciences or history have forgotten the power of Hitler's call for *Anschluss*.

Specifically, what I am comparing here is not only the presence of substantial transnational populations, but furthermore the presence of substantial transnational populations that are geographically adjacent – specifically, I seek to determine which state has transnational populations in the greater number that consider the reorganization of boundaries (or even the creation of an independent state) to be a favorable *and* feasible outcome. As mentioned above, Namibia is home to 24 ethnolinguistic groups, whereas Botswana is home to 28 ethnolinguistic groups (Gordon 2005) – relatively close to one another, though with a significant difference. Of these language groups, the homelands of 18 in Botswana and 17 in Namibia border other states (Angola, Botswana, Zambia, and Zimbabwe in the case of Namibia, Namibia, South Africa, Zambia, and Zimbabwe in the case of Botswana).

Immediately what we see in this instance is that parity actually increases, though again Botswana has the slight advantage in terms of destabilizing border ethnolinguistic groups.

This is not our final dimension here, however. Specifically, we need to determine how many of these ethnolinguistic groups are actually transnational, that is to say have substantial populations on both sides of the border. If we determine this by assuming that the group has at least 1,000 members sharing a common ethnolinguistic identity across state borders *and* that these members are not geographically isolated deep in their host state's hinterland, then we can say that both Botswana and Namibia have seventeen such groups, in other words perfect parity. Indeed, if we consider the total proportion of the population of these states whose ethnolinguistic identity can be considered transnational, it is essential to note that virtually the entire populations of both states fall into this category. This holds even for the largest ethnolinguistic identities in both states. Botswana's largest ethnolinguistic identity, the Tswana, share their identity with almost 3.5 million other men and women in Namibia, South Africa, and Zimbabwe (around three times as many Tswana as actually reside in Botswana), while Namibia's largest ethnolinguistic group, the Kwanyama, share their identity with around 421,000 residents of Angola (about 4/7ths the population of Kwanyama in Namibia).

### *Minorities at Risk*

The Minorities at Risk project (MAR), a product of the University of Maryland's Center for International Development and Conflict Management, is probably best described in the words of its editors:

MAR tracks 284 politically-active ethnic groups throughout the world from 1945 to the present -- identifying where they are, what they do, and what happens to them. MAR focuses specifically on ethnopolitical groups, non-state communal groups that have "political significance" in the contemporary world because of their status and political actions. Political significance is determined by the following two criteria: the group collectively suffers, or benefits from, systematic discriminatory treatment vis-a-vis other groups in a society [and/or] the group is the basis for political mobilization and collective action in defense or promotion of its self-defined interests.

This definition immediately alerts us to one of the limitations of the MAR data. The project is specifically limited to minorities which are politically active. This means that groups which have, for one reason or another, developed their political infrastructure to a modern level, establishing for instance political parties, rather than retaining traditional political infrastructures, for instance tribes or clans, are far more likely to draw the attention of the MAR.

Alienation and withdrawal from the state do not qualify a group for consideration under this purview. This is not an entirely hampering trait, however. Political activism, it may be argued, infers that the oppressed group does not accept its condition – these groups, then, seem to be the most likely candidates for engaging in political violence. A protest against this perspective, however, might be simply that alienation allows for the development of space and true independence from the state.

MAR has noted that there are four ethnic groups that warrant some concern in Namibia. Two of these, the Europeans (who, under the South African regime, controlled the vast majority of political power and economic power, and still continue to own most of the nation-state's means of production), and the Basters, are formally privileged groups who still retain significant benefits from their former roles – Europeans their wealth, Basters their local autonomy. The MAR notes that these groups are highly unlikely to revolt, specifically because their current positions remain largely privileged, and this will likely remain the case as long as these groups are not injured as substantially as similar groups were in the process of land reform, as in the cases of South Africa and Zimbabwe.

The remaining two groups are the Khoi-San “bushmen” who live mostly in the Kalahari Desert in the state's northeast and the East Caprivian peoples, the Mafwe, Subiya and Mayeye. The San are considered to have a stake in the current government, being partially represented in numerous major organizations, including the SWAPO party, and are currently in negotiations

with the central government for concessions, particularly in terms of land reform. These reforms are seen as essential, given that the San are a transnational people who are beginning to develop political and resource networks throughout southern Africa, including in most of Namibia's neighbors.

The East Caprivian peoples, however, did revolt and are still considered a potential source of future rebellion. The MAR project states that:

The Caprivians have several of the factors that increase the likelihood of future rebellion: 1) territorial concentration; 2) recent government repression; and 3) lack of support by the government or transnational groups for reform. However, there are other factors that favor the containment of rebellion: 1) Namibia is a stable democracy; 2) the group is not very well organized or mobilized; and 3) past protest has been fairly limited. Although the group does not encounter significant political or cultural restrictions often associated with protest, repression against the group might contribute to future group protest.

Of particular note for the 1999 rebellion are the issues of territorial concentration and lack of support for reform – the government repression mentioned was actually a part of the swift and, it should be noted, highly effective government response to East Caprivian violence. MAR notes



additionally that the Mafwe, Subiya and Mayeye peoples are Lozi/Barotse peoples who share common cultures and languages with the Lozi of Zambia and Botswana, and that the area remains heavily militarized, in large part out of concern for the instability of western and central Africa, especially in Angola, and was one of the areas substantially effected by both the Angolan civil war and the Namibia war of independence during the Cold War.

An additional essential piece of data lies in the following quote:

In 1998, a secessionist movement developed amongst the group, led by Mishake Muyongo and Chief Boniface Mamili. The impetus for secession was a promise supposedly made by Sam Nujoma, the leader of SWAPO, to Muyongo during the years of their alliance from 1964 to 1980. Years after the alliance was over, Muyongo claimed that Nujoma had promised independence for Caprivi when Namibia gained independence from South Africa. When Namibia gained independence in 1990, this did not come to fruition, and Nujoma has denied ever making such a promise.

Here we see something key, and furthermore, a harbinger of this dissertation's second major inquiry, specifically the elite role in grievance creation. I will discuss this point at more length below, after addressing the Batswana instance of an MAR.

The only MAR the MAR Project names are the Khoi-San peoples, culturally similar to those already mentioned. The project considers these

San to engender a moderate likelihood of rebellion, given a number of factors. First, they share an identity with the Khoi-San of the entire region; like the East Caprivians, the Batswana San are at risk of any spillovers from Angola and their homeland is a major security concern of the central government.; third, they have been forcibly resettled by the state recently and deprived utterly of access to their traditional means of subsistence, rendering them utterly at the behest of the state.; and fourth, the Batswana government substantially restricts the San's ability to express their cultural and political concerns. These factors are in part mitigated, however, by the fact that even if the San have relatively little influence on the government of Botswana, at least one transnational organization and the government of the United Kingdom are both putting heavy pressure on the Batswana government for reform, not to mention the fact that the San have virtually no history of protest or formal anti-state activities in Botswana.

What differentiates the only minority at risk in Botswana, considered only a moderate threat for inciting radical, extraordinary politics, from the peoples of East Caprivia, who in 1999 openly attacked the forces of the Namibian state? Not transnational ethnic linkages – both groups have them. Not a concentrated geographic homeland – both groups have them, even if they have been dictated by outside powers. Not the fact that both have been the site of their respective states' efforts to deal with the instability of western and central Africa in general and Angola in particular. In point of fact, the only major difference observable in these reports is the difference in the behaviors

of elites with regards to the circumstances these groups found themselves in. Elites in Namibia, among the Lozi/Barotse peoples, actively developed a rhetoric of grievance and, apparently, command networks.

But, back to the question at hand, which state's minority risk structures represented the greatest threat of rebellion prior to 1999. We would have to say, using the data available at MAR, that Namibia did by mere reason of the total number of MAR groups – structural and institutional arrangements enveloping the MARs, however, can hardly be said to be more conducive to rebellion in Namibia than in Botswana, unless we consider the Botswana actions of isolating the Khoi peoples and removing their ability to support themselves independent of the state to have been a highly effective Machiavellian move, utterly depriving the group of any capacity for independent action – a point which is, of course, highly valid.

## **Political Comparison**

Comparisons at the political level may be conducted along several other dimensions. Specifically, one may compare the institutions and legal systems of the two states at the formal level, the degree of functional democratization between the two states (or, for that matter authoritarianism or anocracy), the prevalence of endemic political corruption, the presence of formal and informal political discrimination (with specific emphasis on religious, gender-based, and racial/ethnic discrimination), and the degree of political participation.

### *Political Centralization*

In the first part, both Namibia and Botswana are unitary states, that is to say states in which the subordinate units of governance are only administrative units and exist only at the behest of the central state and be dissolved when said central state feels appropriate. This point, in the case of Namibia, is made explicitly in Chapter 1, Article 1, Paragraph 1 of the Namibian constitution and again in Chapter XII, Article 102. In the case of Botswana, however, the proof of this is notable in the virtual absence of any real mention of sub-units, save in Chapter 65, in which the creation of voting districts is discussed. In other words, both states' regional subunits have been created since independence through simple majoritarian legislation.

### *Institutional Arrangement of the Branches of Government and the Legislative Process*

Contrasting and comparing any two states' formal institutional arrangements is a problematic task in the contemporary age – the American constitutional model, with its complex system of checks and balances has made its mark on the institutional systems of many states hoping to avoid slipping from republic or democracy into tyranny. Namibia and Botswana are, as shall shortly be made clear, no exception to this rule. In order to deal with the inherent complications in this task, I have divided this section of my study into three subsections. First, I will review the formal institutional arrangements of

Namibia. Second, I will review the formal institutional arrangements of Botswana. Finally I will list and explain the fundamental differences between the two, commenting on the theoretical implications of each.

Also, in an additional note, for the first two subsections below, citations are to the relevant elements of the various nation-states' respective constitutions.

### Namibia

Namibia's political system is divided into three independent branches whose relation to one another is very similar to that of the United States of America. One corner of the Namibian political pyramid, that of the executive branch, is built around a president. (Chapter V, Article 27, Paragraph 1). The president attains office through direct election by at least 50% of the voting population – failure to achieve 50% in the final vote necessitates additional, succeeding ballots (Chapter V, Article 28, Paragraph 2, Sections a, b, and d). The president's term of office is five years (Chapter V, Article 29, Paragraph 1) – originally there was a two-term limit, but recently the National Assembly amended the Constitution to allow a third term (First Amendment). The president of Namibia is ineligible for prosecution during office, but if impeached by the National Assembly (Chapter V, Article 31) is eligible for criminal (but not civil) charges with regards to the basis of the impeachment.

Namibia's president has a number of key responsibilities. Not only is the president the commander-in-chief of the Namibian military and police

forces, he or she is additionally the head of government, that is to say the head of the bureaucracy. He or she is also responsible for reporting the state of the nation at least once a year to the parliament, specifically during the budgetary process. On the international front the president also has the power to accredit (or fail to accredit) diplomatic personnel and is responsible for negotiating and signing (though not ratifying) interstate agreements. The president also has the ability to establish new agencies and appoints the Prime Minister (the chief of parliamentary procedure in the cabinet), the various ministers and deputy-ministers (that is to say the administrators of the various ministries and members of the Cabinet), the Attorney-General, and so on, as well as the members of the various courts and other commissions (including the heads of the military and police forces and prison system) (Chapter V, Article 32).

Aside from the ability to write and submit new legislation to the parliament, the president has two other key legislative powers. First, he or she can nominate up to six *ex officio* members of the National Assembly and, quite significantly, has the right to propose legislation to the parliament directly (Chapter V, Article 32, Section c and Chapter VII, Article 46, Paragraph 1). Second, and far more significantly, the president has the ability to veto (that is to say “withhold assent”) any piece of legislation passed by the National Assembly by less than two-thirds of its full membership (Chapter VII, Article 56). An interesting alternative to this, in some cases at least, is the president’s ability to send the legislation to the High Court (discussed below),

for consideration in terms of constitutionality (Chapter VII, Article 64, Paragraphs 1, 2, 3, and 4) – the effect is definitely not an abject veto, but potentially a way around the 2/3<sup>rd</sup>'s override rule in at least some cases.

The cabinet, it should be noted, beyond merely being an advisory and administrative tool, also has the power to initiate bills for submission to the National Assembly (Chapter VI, Article 40) – though the significance of this point in light of the president's similar power is easy to overstate.

The National Assembly of Namibia constitutes that nation's legislative branch and primary budgetary-approval organ (Chapter VII, Article 63, Paragraph 1). Specifically, it is a unicameral body made up of seventy-two members whose membership is elected directly by the public using a proportional system (Chapter VII, Article 44 and 46, Paragraph 1 and Article 50). Voting in this body is done, for everything save constitutional amendments, using a simple majoritarian method (Chapter VII, Article 67). Members of the National Assembly can only be removed from office either due to unfitness or through a sentence or commission of guilt in a felony case, or if they take a conflicting position in another assembly or body of government, if they miss sittings of the Assembly for ten consecutive days without having received special leave, or, of course, if they are voted out. The chief of parliamentary procedure in this house is a speaker chosen from among their numbers (Chapter VII, Article 51).

In the face of Namibia's strong presidency some, though limited, checks were established in the Constitution. For instance, any person or

persons appointed to any position in the government and/or Cabinet may be terminated from their office by a 2/3<sup>rd</sup>s vote of parliament (Chapter V, Article 39). Also, the National Assembly has the right review, consider, and criticize any action of the president if 1/3<sup>rd</sup> of representatives desire to do so, and further they have the right to overturn any action of the president that is otherwise within his or her prerogative with a 2/3<sup>rd</sup>s vote (Chapter V, Article 32, Paragraph 9). The National Assembly furthermore has the power to ratify (or fail to ratify) any international agreement negotiated and signed by the president (Chapter VII, Article 63, Paragraph 2, Section d).

One of the most interesting elements of the Namibian political arrangement is the ability of the president to dissolve parliament, ostensibly on the advice of the cabinet (Chapter VII, Article 56). This constitutes a sort of executive no-confidence vote. In essence this process allows the president to, potentially, take advantage of changing political circumstances, but not without consequence to his or her person – should the president dissolve parliament, his or her term comes effectively to an end and the president must, along with parliament, stand for reelection immediately. While this principle is relatively common among traditional parliamentary systems, it is far less common among presidential systems in which the legislative body is, as in this case, more than a mere rubber stamp.

The Namibian judiciary is a fully independent judiciary composed of three key levels – the Supreme Court (which has original jurisdiction on constitutional matters and is composed of a Chief Justice and at least three



other presiding justices – the number of presiding justices may change over time and in response to unique necessities), a High Court (which is, in essence, a sort of national appeals court and which consists of a Judge-President and an indeterminate number of other presiding justices), and the various lower courts of Namibia which are nothing more than simple district-based courts (Chapter IX, Article 78). As discussed above, justices are appointed by the president of Namibia and may be prevented from attaining or remaining in office through a 2/3<sup>rd</sup>s vote of parliament.

The boundaries of regional and local governments in Namibia (again, a unitary state) are delimited by a body known as the Delimitation Council, an inter-branch organization consisting of a judge from either the Supreme or High Court and two presidential appointees. Each region is then afforded a regional council whose composition is determined by election (one representative per constituency in the region, with each region being made up of no less than six and no more than twelve constituencies). Each regional and local government has the right to both raise revenue and exercise whatever powers are designated to them by congress and the members of these various units are elected democratically by their inhabitants (Chapter XII).

Namibia also has an interesting consultative body known as the National Council that acts as a go-between agent between regional and national organs of government. Members of the National Council are appointed by the various regional councils for a period of six years – a

Chairperson, elected from within their numbers is their head of parliamentary procedure (Chapter VIII, Article 71, Paragraph 2 and Article 73). This body has four primary functions. First, it reviews all legislation passed by the National Assembly and comments on it before it is formally provided to the presidency. Second, it reports on the conditions and opinions of the various regions as bodies to the National Assembly. Third, it has the power to recommend legislation to the National Assembly, and, finally, the National Council may conduct research and investigative efforts if so empowered by the National Assembly (Chapter VIII, Article 74). In the process of reviewing legislation, it may recommend to the president that said legislation is unconstitutional or should be vetoed and, alternatively, it may send the legislation back to the National Assembly with one or more amendments recommended.

### Botswana

The executive power of Botswana lies in the president and his or her cabinet. Rather than, as in the case of most presidential systems, being elected by the general population, the president of Botswana is elected by the National Assembly (the lower house of the Botswana legislature) (Chapter IV, Part I and III). The president, it should be noted, may serve no longer than an aggregate of ten years and, should any circumstance arise that would make him or her no longer a valid candidate for parliamentary service, must withdraw from office. Also, in the event that parliament dissolves for any

reason, the president must stand for reelection at the hands of the new parliament (Article 34, Paragraphs 1, 2, and 3).

All this said, in the *exercise* of power, the president is functionally independent of the parliament which appoints him (Article 47, Paragraph 2) – though, it should be said, parliament may transfer any executive powers it wishes to other offices (Article 47, Paragraph 3). Two key and fundamental exceptions to this parliamentary prerogative, however, exist. One is the president's exclusive right to the supreme command of Botswana's military forces (Article 48). The other is the president's exclusive right to introduce bills having to do with taxation, revenue creating, budgetary payments, and debt (Article 88, Paragraph 1). The president of Botswana also has the "prerogative of mercy", that is to say the right to pardon criminal offenses and/or to substitute a less severe form of punishment than that imposed by the criminal process (Article 53).

Of course, the Botswana president cannot be presented with criminal while serving in office, yet upon the cessation of his or her office, the president may be charged accordingly with crimes of which he or she is accused of committing during the period of his or her tenure (Article 41, Paragraphs 1 and 2).

Botswana's presidential veto power is particularly unusual – it exists not to prevent the passage of legislation so much as to force legislators to reconsider legislation. In the event a particular item is passed, the president may withhold his assent. Should parliament not revisit and once more pass

the bill within six months, the bill fails, but if parliament passes the bill once more during that time and the president does not, within 21 days, dissolve parliament, the bill passes (Article 87).

The ministers of the various cabinet-ministries are appointed by the president (with National Assembly approval) from members of the parliament in general, though the president has the right to nominate up to four ministers who are not members of parliament who have skills or qualifications uniquely preparing them for the position (Part II, Article 42). The cabinet's functions are, simply put, to advise the president with respect to policy matter and to further fulfill the will and orders legislated in the National Assembly – that said, the powers of the ministers are to be specifically detailed by each president (Article 50).

The Batswana legislature is, at least ostensibly, bicameral in form, though the vast majority of power resides in the lower house, that is to say in the Parliament. Parliament is composed of 57 publicly elected members who constitute the National Assembly, four “specially” elected members (chosen by the parliament itself), the President, and the Attorney-General (who is *ex officio*)(Article 58). The head of parliamentary procedure for the body is the Speaker of the National Assembly, an individual elected for this purpose by the National Assembly either from among its members or, if it so chooses, from among qualified persons outside that body (Article 59). Each member of the National Assembly is elected from a constituency that is delimited and defined by the Delimitation Commission, that is to say through direct district

elections (Article 62). The Delimitation Commission is composed of a high member of the judicial branch (who is chair) and a series of other persons chosen by the National Assembly who are not (and have not been for at least five years) involved in politics in either an electoral or appointed fashion (including running for but failing to acquire office)(Article 63). Members of the National Assembly must stand for reelection if Parliament is dissolved for any reason (Article 68).

The president may dissolve the parliament whenever he or she wishes and, in the event the president does not dissolve parliament, the members of parliament must stand for reelection at least once every five years (Article 91). The key exception to this rule is that, during periods of declared war the parliament may delay elections for periods of a year at time, though they may do this no more than five times. In the instance of a dissolution the president himself or herself will stand for election by that body again. Alternatively, the parliament may at any time, with a simple majority vote, declare that it has no confidence in the president and his or her government (cabinet), forcing just such a reelection process. That said, four days after a no-confidence vote parliament itself is dissolved and must stand for reelection (Article 92).

The upper house of the Batswana legislature is the House of Chiefs. The House is composed of fifteen members: the eight Chiefs of the primary Tsowana tribes (who serve *ex officio*), the four sub-chiefs of Chobe, the North East, Ghanzi, and Kgalagdi, and three persons elected by the other twelve members who, it should be noted, have not been active in politics for at least

five years (Part III, Articles 77, 78, and 79). If parliament dissolves, the House also dissolves, though upon reconstitution only the Specially Elected Members are necessarily up for reelection. The other chiefs are up for election according to schedules set up among the various peoples and/or districts they represent, and therefore are not considered in the constitution.

The function of the House of Chiefs is elementary enough. It exists, primarily, to consider bills on the powers of Chiefs, Sub-Chiefs, and Headmen; the powers and organization of traditional courts; and the organization and/or communal property of the various tribes. The House then develops resolutions that either support, protest, or recommend amendments to legislation on these matters and provide these to the National Assembly for consideration before their final votes. Additional responsibilities of this body include to advise any ministers who might seek its opinion with regards to any subject and to discuss the implications of any executive or legislative activity in terms of its possible effects on any of the tribes or the tribal system as a whole. In other words, the House of Chiefs exists only to guarantee that the government is not ignorant of the implications of these particularly influential and powerful interest groups (Article 83).

Aside from this “presidential” system that is really a variation of the parliamentary system, one finds that Botswana has a fully independent judiciary. The judicial system of this state is composed of a High Court and Court of Appeal which, intriguingly, seem to be nearly coequal in many

regards, and those various lower courts which parliament deems necessary to for the execution of justice.

The High Court is the supreme court of the land and has original jurisdiction over literally any case it cares to accept (Chapter VI, Article 95). The head of the court's parliamentary procedure is the Chief Justice who has the power not only to determine where the court shall sit, but further the rules by which the court shall operate, though with the advise of an advisory committee. The president of Botswana appoints the Chief Justice and other members of the High Court, under advice of the Judicial Service Commission from among persons who have already held some other judgeship or position as an attorney or magistrate, or is a professor of law (Article 96). Judges of the High Court may only be removed by the president upon the recommendation of a tribunal of at least three members, all of high judicial office (current or previous), in which they are found either incapable or unsuitable (Article 97). Additionally, in questions of whether or not any election or appointment has been properly conducted, the High Court has the power to adjudicate the matter (Article 69).

The Court of Appeal is also chaired by the Chief Justice; all other justices are appointed or duly removed in a manner indistinguishable from those listed above for the High Court (Articles 99, 100, and 101). It exists, specifically, as a high court, though not the court of final appeal, to rehear cases in which there is compelling evidence that error may have been made at a lower court. The constitution, interestingly, asserts that the Court of

Appeal may hear cases from the High Court dealing with constitutionality, save in the instance of the constitution question dealing with the election of members of parliament (Article 105) – this in spite of earlier constitutional assertions that the High Court is the supreme court.

The constitution of Botswana makes little or not mention of the nature by which local or regional governments are established. Rather, the form and function of local and regional governmental bodies are dictated by the National Assembly, often through the guise of the Ministry of Local Government (formerly part of the Ministry of Local Government and Housing). In general, local governments are democratically elected or are the product of traditional mechanisms of election, districts are administered by central government appointees, the Ministry and its various organs coordinate between these levels.

### Institutional Variations and Similarities

To begin our summation of the institutional differences between Namibia and Botswana, I would like to discuss the key point that both states are unitary in nature. Despite the fact that both states are multicultural, multinational, and ethnically diverse and despite the fact that both states are geographically large and diverse in terms of regional specialization, founding elites in both chose the unitary model – their concern, in other words, was more about retaining political stability and territorial integrity than it was about guaranteeing representation of minorities and ethnic or regional interests.



Furthermore, both states have dealt with this inevitable concern through the construction of constitutionally mandated bodies – the National Council in the case of Namibia and the House of Chiefs in the case of Botswana – that have sweeping consultative powers, but virtually no ability to legislate in and of themselves. Though the former draws its membership in a geographic fashion and the latter directly from tribal elites, the effect is the same – to allow regional and ethnic interests (given that minorities in both states tend to live not only alongside majorities in municipalities but also have their own rural, ethnic enclaves) to be heard. In other words, both states guarantee the power of particular political-economic-cultural interests without a meaningful power of veto from minority political-economic-cultural interests, but with a built-in valve for allowing these minority interests to vent themselves.

As to the legislative bodies, regardless of the claims of Botswana, both states are functionally unicameral – their primary difference lies in the method by which their constituent members are chosen. Namibia's proportional representation, on the one hand, and Botswana's direct election system on the other, while having the potential to yield substantial policy variances, probably, in all likelihood, have not due in large part to the fact that neither state has truly competitive elections. This is not to say that the elections are flawed, but rather that both states' legislatures have, since their inception, had only one majority party (in both cases with overwhelming majorities) – SWAPO in Namibia and the BDP in Botswana. Variance in behavior, thus, may largely, at least unto this point, be described more as a product of

variance between these parties than variance between their states' legislative institutions.

With regards to executive power, the situation is simple: Namibia has relatively strong, independent presidency; Botswana a parliamentary system in which the head of government has the title “president” and is, in effect, is a slightly stronger than usual prime minister. Institutionally this is the most important variance between the two states. Most specifically, this is highlighted by Namibia’s president’s strong veto power and Botswana’s presidents relatively weak veto power and the direct election of the Namibian president virtually the “election” of the Botswana president from the National Assembly. Of course, in both states the president is both head of state and head of government, not to mention commander-in-chief, and in both the president has the ability to dissolve the legislature and has sweeping powers of appointment, both in the bureaucracy and the judiciary. Also, presidents in both states are immune to prosecution during their presidencies. Ultimately, then, we must state that the fundamental variance between the power of the two executives lies in the ability of their legislatures to see them off – if the Namibian National Assembly dissolves the government, the president has a good chance of returning by popular acclaim. If the Botswana National Assembly does the same, the odds that the president will return are slim to none (without a substantial change in that same body’s make-up).

Beyond some relatively minor variances in terms of appellate jurisdiction, the institutional arrangements of Botswana and Namibia’s fully

independent judiciaries in both states, with fluid membership structures are virtually indistinguishable. Both are founded definitively in the English-Dutch legal tradition, utilizing both common law precedent and Roman code style law (though Botswana's constitution explicitly forbids the use of common law on capital cases). Also, both states employ relatively fluid judicial institutions, assuming that special instances will inevitably arrive and unique judicial solutions should be available for dealing with these situations.

And of course both states afford both the parliament and the president the right to dissolve the elected/appointed state, though only at the cost of their own position. The result is a system in which both branches of government have a powerful threat to wave at the other, but an equally powerful reason to use this power only in the most significant of circumstances.

### *Official Language*

In the cases of both Namibia and Botswana, the official language of government is English (see Chapter 1, Article 3, Paragraph 1 of the Namibian constitution and Chapter 61, Paragraph d and Chapter 79, Article 4, Paragraph c of the Botswana constitution). Namibia takes pains to assert that the official language need not restrict the use of other languages for pedagogy (Chapter 1, Article 3, Paragraph 2) and asserts that the state may, at some future time, add other official languages (Chapter 1, Article 3, Paragraph 3). On the other hand, the Botswana constitution, (Chapter 32,

Article 3, Paragraph c) specifically sets out voting procedures that allow for the use of symbols and colors, rather than the written word of any language, English included, for candidate selection. Additionally, in the instance of court cases, Botswana provides that publicly subsidized interpreters will be provided to the defendant(s) if he or she cannot understand the language in which the trial is being carried out (Chapter II, Article 10, Paragraph 1, Section f).

### *Civil Rights*

Both Namibia and Botswana provide extensively for the protection of civil rights in their constitutions. Table 4.25 illustrates the formal, constitutional protections of civil rights in both states – at this level, at least, little real differentiation can be described between the two, save for two key points. First, while Namibia has banned execution as a legal punishment for high crimes, Botswana has no such injunction. In practice, however, the Botswana government uses this right relatively rarely, having executed only about 20 people between its independence and the close of the Twentieth Century

Table 4.24: Comparison of Civil Rights Guarantees

Namibia	Botswana
<i>Banning of Death Penalty</i>	
Chapter III, Article 6	Not Banned (see Chapter II, Article 4)
<i>Banning of Slavery and Forced Labor (Among Civilians, Non-Prisoners)</i>	
Chapter III, Article 9	Chapter II, Article 5 Chapter II, Article 6
<i>Banning of Torture and Cruel and Unusual Punishment</i>	
Chapter III, Article 8	Chapter II, Article 7
<i>Guarantee of Equality Under the Law Regardless of Gender, Race, Color, Ethnicity, Religion, Creed, Social Status, or Economic Status</i>	
Chapter III, Article 10 Chapter III, Article 14 Chapter III, Article 23, Paragraph 1	Chapter II, Article 3 Chapter II, Article 15
<i>Freedom of Speech, Expression, Religion, Cultural Practices, Association, and Assembly</i>	
Chapter III, Article 19 Chapter III, Article 21, Paragraph 1, Sections a, b, c, d, e, & f	Chapter II, Article 3 Chapter II, Article 11 Chapter II, Article 12 Chapter II, Article 13
<i>Freedom of Movement and to Select Profession</i>	
Chapter III, Article 21, Paragraph 1, Sections g, h, i, & j	Chapter II, Article 14
<i>Freedom to Acquire and Be Compensated for Property</i>	
Chapter III, Article 16	Chapter II, Article 8
<i>Habeas Corpus Rights</i>	
Chapter III, Article 7 Chapter III, Article 11, Paragraphs 1 & 3	Chapter II, Article 5 Chapter II, Article 14, Paragraph 1 Chapter II, Article 16
<i>Right to Be Accused of One's Suspected Crime</i>	
Chapter II, Article 11	Chapter II, Article 10, Paragraph 2, Section b Chapter II, Article 16, Paragraph 2, Section a
<i>Right to a Fair, Public, and Speedy Trial</i>	
Chapter II, Article 12, Paragraph 1	Chapter II, Article 10, Paragraphs 9 and 10
<i>Right to Legal Counsel</i>	
Chapter III, Article 12, Paragraph 1, Section e	Chapter II, Article 10, Paragraph 2, Sections c and d Chapter II, Article 16, Paragraph 2, Section d <b>Note:</b> Botswana does <i>not</i> provide lawyers if the defendant cannot afford one
<i>Double Jeopardy Banned</i>	
Chapter III, Article 12, Paragraph 2	Chapter II, Article 10, Paragraph 5
<i>Self-Incrimination Banned</i>	
Chapter III, Article 12, Paragraph 1, Section f	Chapter II, Article 10, Paragraph 7
<i>No Ex Post Facto Prosecutions</i>	
Chapter III, Article 12, Paragraph 3	Chapter II, Article 10, Paragraph 4
<i>Right to Call Witnesses in One's Defense</i>	
Chapter III, Article 12, Paragraph 1, Section d	Chapter II, Article 10 Paragraph 1, Section e
<i>Search Warrant/Probable Cause Rights (Privacy Rights)</i>	
Chapter III, Article 13	Chapter II, Article 3 Chapter II, Article 9

(see the State Department *Country Reports on Human Rights Practices* for 1999 and 2000).

Secondly, while the Namibian constitution guarantees that all defendants will have access to an attorney (or equivalent representation), that of Botswana provides no such guarantee. Rather, Botswana guarantees the defendant only 1) the right to defend himself or herself and 2) the right to use an attorney *if the defendant can afford and pay for one*. The key exception to this former point is that, for capital cases, the government will afford defendants attorneys. As a product, the vast majority of rural court cases involve no trained legal defense, resulting in the widespread undermining of defendant's rights.

Having considered the formal differences, the practical differences in human rights practices between the two nation-states remain to be considered. While there are many possible resources for acquiring this data, among the most comprehensive and systematic is the United States Department of State's Bureau of Democracy, Human Rights, and Labor began to release reports on every state in the world's human rights practices in the 1999 (publicly released in February of 2000 as the *Country Reports on Human Rights Practices*, or CRHRP) – these reports detail every known violation and/or pattern of violation in the considered states throughout not only the immediately preceding year, but furthermore during the generally preceding period (reviewing, generally, the decade before).

The CRHRP, for instance, notes that both states, while generally having good relations between different ethnic groups, do have some instances of racial and ethnic discrimination, particularly against people of the San (Bushmen) ethnicity – though in Namibia virtually every other significant minority is represented in the National Assembly. Additionally, members of minority ethnicities generally charged that they were underrepresented in the legislatures of both Namibia and Botswana and whites had distinct economic and political advantages vis-à-vis other ethnicities. The key difference in terms of the two states' problems with ethnic and racial discrimination lay in the institution of the House of Chiefs (see above) in which only members of the Tswana (majority) ethnic group's eight principal tribes have voting membership. That said, neither state's urban areas are substantially segregated and in neither country is ethnicity correlated with income among those of African descent.

In terms of gender relations, however, according to the CRHRP, Namibia is substantially more developed than Botswana. Granted, both states experience some widespread abuse of women, including rape, however 3 out of 5 women in Botswana will be physically or sexually abused or assaulted at some point in their lives. Additionally, Namibia's laws, if not their full enforcement, are staunchly feminist, whereas in Botswana husbands have the right to "chastise" their wives physically and, in the case of traditional marriages, have full rights to all of their wife or wives' property.

The CRHRP reports that both states are fully functioning democracies in which competitive elections are held. That said, some limited vote-rigging is reported to have occurred in both Namibia and Botswana and both states have been dominated by single parties, SWAPO in the case of Namibia and the Botswana Democratic Party (BDP), since their respective moments of political independence.

In both Botswana and Namibia, prior to the 1999 East Caprivi incident, both states experienced some limited police and military abuses. Largely these were limited to abuses against refugees and illegal immigrants and prisoners whose detainment was legal. Botswana, however, allows its police to beat prisoners in the pursuit of evidence, despite its constitutional ban on torture, and admits evidence found as a product of such actions – though it does not allow confessions of guilt acquired under such actions to be admitted in court. That said, such measures are usually rare. Also, traditional courts in Botswana frequently impose corporeal punishment in the forms of lashings or floggings to the buttocks – recent attempts by traditional leaders to acquire the right to administer these floggings to the back were denied by the central government.

While both states' constitutions allow the government to suspend constitutional rights during periods of national (or regional) emergency, such emergency has only been declared in Namibia, during the period of 1999 East Caprivi incident. Following the lapse of the period of emergency, some



three weeks, full rights were restored and the operation of government returned to its ordinary operational mode.

The CRHRP notes that in both states the rights of freedom of assembly and speech are generally respected. Key exceptions in Namibia include the occasional incidence of SWAPO supporters assaulting assembling minority party supporters (usually by pelting stones) and the governments efforts to force all protests and marches to register with police prior to assembling. Alternatively, while collective bargaining is largely unrestricted in and of itself, the right to strike is curtailed nearly to the point of making it impossible – though it still remains technically legal.

Both Botswana and Namibia, due to their underdeveloped legal and law education programs, sometimes undermine their accused prisoners (or bailed prisoners) the right to speedy trials, not out of any intention, but out necessity: both states have substantial backlogged caseloads.

Though both Namibia and Botswana's leaders are highly critical of their press establishments and, in both states, state-owned press and media have a tendency to self-censor on provocative subjects, generally freedom of speech is respected. Also, in both states vigorous and critical media outlets have begun to emerge, internet access is both growing and unhampered by censorship, and international media, easily received by satellite, is uncensored. Namibia does, however, require that foreign reporters register with the government at least one month prior to entering the state. There also

seems to be little or not restriction of academic freedom in either Namibia or Botswana.

The only “restriction” on religion, if it can in fact be called that, in either state is the Botswana requirement that religious groups formally register with the government through a simple, short process.

In brief, on most points both Namibia and Botswana are reported as adhering closely to their own constitutional assertions. Instances of slavery and human trafficking were absent in both states, according to the CRHRP, though occasionally farmers in rural areas have restricted the movement of their employees. Neither Namibia nor Botswana use forced exile as punishments. In neither Namibia nor Botswana are political leaders known to intentionally undermine their independent judiciaries. Neither state is reported to hold political prisoners. Both states generally respect their citizens’ rights to privacy in terms of search and seizure.

To summarize, we can speak of both states as being in rough parity with one another in terms of their recognition of civil rights. Where there are possible deviations from this, they usually have occurred on the Botswana side of the border. The key exception to this is the brief suspension of some rights in the East Caprivia region *after* the onset of radical, extraordinary politics – a suspension that was both temporary and is irrelevant here given that it occurred after the event of concern.

### *Polity IV and the Depth and Breadth of Democracy*

The most recent update of the Polity IV project classifies both Namibia and Botswana as functioning democracies, however, while Botswana receives a coding of 8 until 1997, and a 9 since, Namibia is riding the line with a coding of 6 (a code of 10 represents a “perfect” democracy, -10 a perfectly authoritarian state, and codes less than 6 but greater than -6 an anocracy, that is to say a regime type that shares aspects of both democracy and autocracy) . In and of itself, this carries a very specific theoretical connotation – Namibia, which shares more attributes with anocracies, should be the state more likely to experience and onset of radical, extraordinary politics. There are several key points, however, which might dispose us to classify these states as in relative parity with a “lean” towards Namibia being the more likely of the two to experience this state of affairs.

First, the Polity IV system frequently backdates its ratings as new data is assimilated – this includes, for instance, backdating when it becomes obvious that early electoral events were not, in fact, flukes. At the time of the latest Polity IV update on these states, Namibia had only had the chance to experience a single election and, soon thereafter, Namibia carried out another successful, relatively free and fair election – we can assume that it is very likely that with the next Polity IV update Namibia will probably be back-coded to a higher democracy rating.

The other major concern of the Polity IV coders was the constitutional amendment which allowed the president of Namibia to serve two terms, rather than just one. The fear, which was entirely justified given the experience of so many developing states, was that the system would either evolve into a single-party autocracy or a sultanistic monarchy. That said, at the end of President Nujoma's second term, he stepped down from office and a full transition in person occurred. Undoubtedly this will lead to further reevaluation of Namibia's coding.

An additional reason to doubt the significance of the Polity IV variance lies in the virtually identical figures with regards to the free and fairness of elections in the two states (see Figures 4.13 and 4.14). Even if, to some Western observers, Botswana seems more democratic than Namibia (based largely on the age of the state and the greater executive strength present in Namibia versus Botswana), observers *within* these states simply don't share the sentiment – implying, in other words, that they are unlikely to make decisions with regards to state legitimacy and so forth in fundamentally different ways, assuming the validity of the orthodox theories.

### *Corruption*

The Afrobarometer surveys extensively explore questions of corruption. In the first place, as demonstrated in Figures 4.15, 4.16, 4.17, 4.18, 4.19, and 4.20, we can see that in both Namibia and Botswana incidents in which the

surveyed citizenry feel as if they have been the victims of political corruption are surprisingly low for undeveloped states.

All that said, of course, a key point does remain – despite its relatively low level of corruption, Namibia remains, of our two compared states, the state experiencing the highest level of corruption, though in only one case (that of housing) does the proportion of Namibians who have experienced discrimination often reach a rate of even 3%, reason enough for avoiding overemphasis of this factor.

### *Political Discrimination*

We may speak of political discrimination along two primary dimensions. First, how much and what kinds of political discrimination exists along gender-based lines? Second, how much and what kinds of political discrimination exists along identity-based lines (religious, ethnic, etc.)?

The primary theoretical corpus on which this subsection of analysis is based is the feminist literature on civil war. Specifically, discrimination, be it structural or institutional, is an act of violence perpetrated consciously or unconsciously, that by its mere existence stratifies and radicalizes relations between groups. Specifically, if one discriminates (*i.e.* engages in structural violence) against others, then justifying explicit forms of violence is easier *and* if elites are discriminators, they develop ethical and rational patterns that make decrease the psychic and emotional costs of perpetrating explicit acts of violence. Additionally, we may assert that the existence of structural or

institutional patterns of discrimination in a state creates rationales of counter-exploitation among the exploited – they will seek gains, even if they involve violence, whenever they can, because their potential losses are so low and their tolerance of violence has been increased by prior experience. Put simply – norms of discrimination reinforce norms of violence.

In Table 4.26 I outline three key indicators of gender equality, all used by the United Nations as indicators in their Development Programme. First among these is the Gender Parity Index, or GPI, for education enrollment. The GPI is a fairly simple measure, computed by dividing the gross female enrollment in a state by the gross male enrollment. Should the index equal a score of 1, then perfect parity between the genders exists. The more above 1 the index rises, the greater the disparity in favor of females, the less below 1 the index drops, the greater the disparity in favor of males. In the case of Namibia and Botswana, we see that the gender disparity in both states favors women in primary and secondary education, a result which is surprising at first, at least until one considers that the highly agrarian nature of both states probably requires the enlistment of males at a higher rate than women for childhood labor, a relatively common condition. The biggest difference between the states seems to lie in the realm of tertiary education, in which Namibia generally maintains a more gender-equal system, even if it does begin to favor males, but even then the differences seems to be decreasing over time.

Table 4.25: Gender Parity in Education and Employment

	1990	1991	1999	2000	2004
Namibia Gender Parity Index in Primary Level Enrollment		1.05	1.02	1.02	
Namibia Gender Parity Index in Secondary Level Enrollment		1.24	1.13	1.14	
Namibia Gender Parity Index in Tertiary Level Enrollment		1.79		0.85 (*2001)	
Botswana Gender Parity Index in Primary Level Enrollment		1.07	1.00	1.00	.99
Botswana Gender Parity Index in Secondary Level Enrollment		1.18	1.07	1.06	1.05
Botswana Gender Parity Index in Tertiary Level Enrollment		0.72	0.79	0.74	0.85
Namibia Women to Men Parity Index, as ratio of literacy rates, 15-24 years old	1.04				1.03
Botswana Women to Men Parity Index, as ratio of literacy rates, 15-24 years old	1.10				1.04
Namibia Share of women in wage employment in the non-agricultural sector				48.8	
Botswana Share of women in wage employment in the non-agricultural sector	33.5	33.4	40.5	40.2	43.0

Source: United Nations Statistics Division, Department of Economic and Social Affairs, *Millennium Development Goals Indicators*

The next major index, calculated in the same fashion, is the Women to Men Parity Index, as ratio of literacy rates, for children and adults 15-24 years old. Here again we see a situation very, very close to parity. Where this parity doesn't play out, however, is in the share of women in wage employment in the non-agricultural sector. Even though we don't have time-series data for Namibia, we can see that Namibia was definitively more egalitarian in this period – though, and this is important, Botswana was rapidly progressing in its efforts to make the non-agriculture workforce more gender unbiased.

As for other indicators of the role and status of women in society, we can also look at fertility as an indicator. Specifically, in states with very high birth rates we can expect a similarly high level of gender-based discrimination, whether through intention or through social expectation (women are expected to be mothers, thereby limiting their socioeconomic and, ultimately political, freedom). In both Namibia and Botswana, as we see in our earlier discussion of the subject, fertility rates remain quite high, though Namibia's fertility rate is slightly higher than Botswana's. Furthermore, we can see that in both states fertility rates are declining apace. What we can glean from this, then, is that Namibia may be said to have slightly less gender equality than Botswana, though in both states gender equity is improving.

On a darker note, however, violence against women, in particular beatings and rapes, remained widespread at the time of the Caprivian revolt in both Namibia and Botswana according to the United States Department of State Bureau for Democracy, Human Rights, and Labor's 1999 *Country*



*Reports on Human Rights Practices*. In practice, most such abuse seems to occur in rural areas, thus urbanization in both states seems to be correlated with improving conditions for women.

Both states are also experiencing improvements in the gross number of women represented in major state offices – Botswana’s legislature of 44, at the time of Capriviian revolt, had just more than doubled its female membership from eight to sixteen, while in Namibia women hold 15 of 98 parliamentary seats, but around 40% of seats in local legislatures and councils. Thus the picture here remains muddled, but with surprising inroads being made by women in both states.

In terms of religious discrimination, the United States Department of State’s Bureau for Democracy, Human Rights, and Labor’s Annual Report on International Religious Freedom from 1999, the first year of the report, states that neither Namibia nor Botswana has serious endemic problems, social or political, with freedom of religious expression or recruitment or with discrimination in terms of access to the political system on the basis of religious identity.

With regards to ethnic discrimination, according to the United States Department of State Bureau for Democracy, Human Rights, and Labor’s 1999 *Country Reports on Human Rights Practices* there remains glaring discrimination and marginalization of certain groups in both states, usually minorities, though in Namibia citizens of European descent, especially German and British, usually have highly disproportionate resources. Both

states are making efforts to redress this discrimination. In both states the ethnic group most discriminated against are the Khoi-San, the tribal bushman who were the earliest inhabitants of both states (prior, in other words, to both black and white in-migrations).

Despite these similarities, which are overwhelming, some differences exist between the two states. In Namibia, every ethnic group except the San is represented in the national legislature, a situation which is largely absent in Botswana. That said, in Botswana societal (as opposed to political or economic) discrimination is considered to be rather low and intermarriage between Tswana (the majority and dominant ethnic group) and non-Tswana citizens is relatively common. Furthermore, while race *and* ethnicity are usually considered to be good predictors of income in Namibia, only race is considered a similarly good predictor in Botswana.

To summarize, both states have substantial inequity in both the categories of gender and ethnicity, though neither seems to have particular problems in terms of religious discrimination. That said, Namibia's conditions, as it recovers from apartheid and with its slightly more rural/traditional populace, seems to experience slightly higher levels – though relatively less than the mass perception of the two states might seem to indicate. Thus it should be said that Namibia is slightly more structurally inclined towards radical, extraordinary politics but is in parity in terms of institutions.

### *Political Participation*

When weighed alone, political participation does not necessarily connote any good or bad traits – while it is usually considered a sign of a functioning democracy, political participation may still be high in certain types of autocracies and, in anocracies, can be a sign of instability, a precursor of the public demanding reform or, ultimately, radical change. That said, when we consider that both Namibia and Botswana are functioning democratic-republics by any measure, we can assume that at minimum political participation in and of itself is not a destabilizing agent and, given the youthfulness of the political systems, is likely an indicator of the political system's legitimacy.

When we look at Tables 4.27, 4.28, 4.29, 4.30, 4.31, all of which detail data on voter participation (as reported by the International Institute for Democracy and Electoral Assistance or IIDEA) we can immediately see a few key points. First, the 1990s saw declining voter participation (in parliamentary elections) as a percentage of the total population in both Botswana and Namibia, though the decline in Namibia was far more marked (though in the next parliamentary elections, of 2004, both states saw a rebound in voter participation). A substantial part of the variance between the two states is almost definitely a product of the fading of “honeymoon” sentiments in Namibia – after independence, things seemed to be unerringly improving, but with time a harsher, though not hopeless, sentiment seeps in. We cannot

**Table 4.26: Botswana Parliamentary Voting Participation**

Year	Total Vote	Registration	Vote/ Registration	Invalid	Population Size	Voting Age Population	Vote/ Voting Age Population
1989	250,487	367,069	68.2%	n/a	1,245,000	522,900	47.9%
1994	283,375	370,173	76.6%	n/a	1,445,000	643,920	44.6%
1999	354,463	459,662	77.1%	4.9%	1,592,528	844,338	42.0%

Source: International Institute for Democracy and Electoral Assistance (Stockholm, Sweden) <http://www.idea.int> (accessed October 7<sup>th</sup>, 2006)

**Table 4.27: Namibia Parliamentary Voting Participation**

Year	Total Vote	Registration	Vote/ Registration	Invalid	Population Size	Voting Age Population	Vote/ Voting Age Population
1989	680,688	701,483	97.0%	1.5%	1,313,000	669,630	101.7%
1994	497,499	654,189	76.0%	1.6%	1,500,000	780,000	63.8%
1999	541,114	861,848	62.8%	0.9%	1,711,793	876,828	61.7%

Source: International Institute for Democracy and Electoral Assistance (Stockholm, Sweden) <http://www.idea.int> (accessed October 7<sup>th</sup>, 2006)

**Table 4.28: Namibia Presidential Voting Participation**

Year	Total Vote	Registration	Vote/ Registration	Invalid	Population Size	Voting Age Population	Vote/ Voting Age Population
1994	485,295	654,189	74.2%	2.4%	1,500,000	780,000	62.2%
1999	545,465	878,869	62.1%	1.2%	1,711,793	876,828	62.2%

Source: International Institute for Democracy and Electoral Assistance (Stockholm, Sweden) <http://www.idea.int> (accessed October 7<sup>th</sup>, 2006)

Table 4.29: Parliamentary Electoral Results in Namibia and Botswana

	Botswana Vote/Registration	Botswana Vote/VAP	Namibia Vote/Registration	Namibia Vote/VAP
1989	68.2	47.9	97	101.7
1994	76.6	44.6	76	63.8
1999	77.1	42	62.8	61.7

Source: International Institute for Democracy and Electoral Assistance

Note: "Vote/Registration" is a the percentage of registered voters who voted in the election and "Vote/VAP" is the percentage of the Voting Age Population that voted in the election

Table 4.30: Presential Electoral Results in Namibia

	Vote/Registration	Vote/VAP
1994	74.2	62.2
1999	62.1	62.2

Source: International Institute for Democracy and Electoral Assistance

Note: "Vote/Registration" is a the percentage of registered voters who voted in the election and "Vote/VAP" is the percentage of the Voting Age Population that voted in the election

fully dismiss this difference, however, on this point, if for no other reason than the fact that registered voters participated at a slightly higher rate in Botswana with each succeeding election. There must be, even if it is slight, a somewhat higher sentiment in Botswana that the proper mechanism for solving problems of state is through electoral participation, at least among persons who were previously engaged in affairs of the state. Ultimately, then, we can say that Namibia at the end of the 1990s was experiencing a state of lower voter confidence either in the effectiveness of the system or the legitimacy of voting as a mechanism for political change, thereby rendering it more likely to experience an onset of radical, extraordinary politics. I would like to say, however, that I consider this judgment to be moderated by the fact that the gradually but steadily declining Botswana voting population as a proportion of the total eligible population infers that the political sentiments of general population of Botswana are becoming more polarized between those who believe in the system and those who do not – a situation which is not the case in Namibia.

#### *Gray and Black Political Market*

Data on underground or non-governmental political action is and will remain difficult to acquire. Yet there are some resources which may at least, in a limited way, allow us to at least roughly gauge the significance of non-governmental political activities. For instance, as indicated in Table 4.31 Namibians are far more likely to seek solutions to problems through

Table 4.31: In the past year, have you contacted any non-governmental elites in order solve a problem?

	Namibia	Botswana
No	702	1061
Just Once or Twice	250	76
A Few Times	169	22
Frequently	45	33
Don't Know	9	2

Degrees of freedom: 4 ; Chi-square = 285.28 ;  $p$  is less than or equal to 0.001; The distribution is significant

Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

consultation with non-state elites than are Botswana. This is an indicator that state monopoly over resource acquisition and dispensation is far less developed in Namibia than in Botswana, inferring that the propensity of Namibian citizens to seek political solutions through informal and unofficial channels is higher, thereby disposing it to a higher likelihood for radical, political disestablishmentarianism.

#### *SWAPO v. BDP*

Both Namibia and Botswana have, since their inception, been ruled by a single party respectively, the Southwest African People's Organization in the case of Namibia and the Botswana Democratic Party in the case of Botswana. In both of these states these single-parties have won successive elections through generally free and fair elections, speaking to a pattern of electoral politics not unlike that of an otherwise unlikely comparison – Japan and its Liberal Democratic Party (LDP).

There is little question that, at least in this respect, both of these states exist in what is essentially a state of parity. Both have won consistently in the face of multiparty elections that are generally regarded, both internally and externally, as free and fair, though critics of both parties note that each election carries its own series of protests from the opposition. In both states there has been virtually no real competition for control of the legislative branch, the only exception being the Botswana National Front's single election showing of 1994 in which it garnered 13 of 40 seats – still a safe



victory for the BDP. This pattern in both states has led to substantial political stability, particularly in terms of maintaining the course of developmental policies (compare either Namibia or Botswana's generally steady progress with the "jumpy" policies of many other democracies), but comes with all the baggage of any single-party state, as Nengwenkhulu (1989) notes. When we consider that both states have several different minor parties, 11 in Botswana and 6 in Namibia, the reason for the dominance of their single-parties becomes even more manifest.

There are two obvious differences between the parties, however. First, SWAPO evolved from a paramilitary organization that was formed to coordinate forces from across Namibia during the protracted Namibian war of independence. Compare this to the BDP, a party that was formed shortly after the independence of Botswana explicitly and solely for the purpose of governing the state. Of course, the importance of these differences may be less substantial than one might first imagine. Both parties were formed to pool resources to guarantee the political futures of their members, and both are governed with a coalition mindset, recognizing that their power remains assured as long as they avoid fractionalization.

The second key difference lies in the fact that the Namibian war for independence was coincident with the Cold War. This meant that SWAPO had the advantage of being able to ally themselves with whatever world power was at odds with their contemporary rulers – South Africa being their ruler, the Soviet Union being South Africa's antagonist. Thus, while the BDP

has always been a moderate party, SWAPO was for decades a Marxist organization, allied not only with the Soviet Union but also with African Marxist states and non-state actors. This difference, again, can be overemphasized, however. Once independence was assured as the Cold War came to an end and international support for an independent Namibia (then Southwest Africa) swelled, SWAPO immediately began moderating its rhetoric, improving relations with the democratic/capitalist West, and steering its policies towards international neoliberal ideals, marking the party as an organization at least as pragmatic as its cohort in Botswana.

## **Interstate Comparison**

Using structuralist and institutionalist methods of analysis, we may use several different means of comparison in examining Namibia and Botswana. First, we may compare their international trade, emphasizing specifically their interstate debt, the nations with whom they trade, and variations in that trade, as well as their membership in intergovernmental organizations, their bilateral and multilateral treaties, their participation in interstate disputes, their relationships with the “great” powers (the United States, Russia, People’s Republic of China, the United Kingdom, and France) and their relative places in the international/regional situation of southern Africa.

### *Interstate Relations*

When we consider the relationships of Namibia and Botswana with other states, particular major states both internationally and regionally, we should look for a few key vectors of interaction. First, we should consider whether or not their relationships are grounded in security or economic terms, or something else entirely, and where on the scale of mutually beneficial to fully neocolonial their relationships exist. Second, we should consider whether or not these great powers are seeking to intervene in domestic politics, in particular in terms of supporting counter-orthodox groups or in terms of manipulating electoral politics. Finally, we should look for signs of exploitation and dependency – since neither of the states we are discussing are major powers, we can assume any such exploitation or dependency is antithetic to their own benefit.

Prior to the dissolution of the Union of Soviet Socialist States (USSR), Cold War prerogatives dominated utterly the perspective of most states towards sub-Saharan Africa in general, including of course Namibia. The various Western states' *de facto* support of the South African regimes' efforts to maintain control of Southwest Africa depended largely on South Africa's staunch anti-Soviet stance cross-referenced with SWAPO's dependence on supplies and shelter from Marxist organizations throughout the region, particularly those centered in Angola. Botswana survived largely unscathed by the Cold War largely because the state's single party developed an

effective method of preventing the development of Marxist movements – development of a social welfare system. Furthermore, Botswana's foreign policy, one of semi-neutrality with a lean towards the West, and its geography, that of an interior state with relatively few strategic assets helped shield it from the worst of American, British, French, Soviet, and Chinese machinations.

All this said, in the 1990s we can speak of one transnational phenomena as defining the most important security vector of both Namibia and Botswana – the fear of the breakup of post-colonial states through civil wars that, almost universally, tended to spillover into neighboring states. In the 1990s such examples abound throughout the Congo basin and the Lakes Region, not to mention the civil war in Angola that survived the extinction of UNITA's Marxist ally the Soviet Union and the correlative withdrawal of Cuban troops, lasting into 2001. State failure was a near universal condition across virtually the entire midsection of Africa as outright civil war and/or genocide caused massive population displacements and disrupted any semblance of a true Westphalian interstate system of stable, solid borders. This is a recipe for enabling political disruption on the hinterlands, in states like Botswana, Zambia, Namibia, and Zimbabwe that, while remaining largely stable, found themselves awash with aliens, many of whom were experienced solidiers, and unregistered weapons. In states where identity groups might otherwise not have had access to the means of fighting, the universal disruption of the near-north and the rise of easily accessible black markets (see Nordstrom

2004 for a tremendous discussion of the effects of shadow political-economies) are forces for the dissolution of nation-states. The political geography of these conflicts is a potentially important point of departure between Botswana and Namibia – whereas the latter had to maintain a long border throughout the 1990s with a region of major disruption (Angola), Botswana could *use* Namibia as a buffer zone against the spread of weapons and refugees into their own state, thanks in large part to the Caprivi Strip.

### *Interstate Trade*

We may consider international trade in several different manners. First, using data from the CIA *World Factbook* (Tables 4.32 and 4.33 and Figures 4.20 and 4.21) we can see that the general patterns for Namibia and Botswana are similar – both states are experiencing gradual general increases in interstate trade, both in terms of exports and imports, over time. There are, of course, periods of relatively slight decline in interstate interconnectivity, specifically in 1993 for Botswana and 2000 for Namibia, but here I cannot overemphasize the importance of the term slight – never in either state was such a drop of more than US\$ 100 million. That said, in gross terms it warrants substantial note that Botswana is more deeply involved in total capital terms in the interstate system.

This does not, however, measure how deeply Botswana or Namibia are entrenched in the international system, that is to say how deeply *internationalized* their economies are. Country Indicators for Foreign Policy

Table 4.32: Exports (In Billions, US\$)

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Namibia	0.935	1.021	1.021	1.184	1.289	1.3	1.3	1.45	1.45	1.44	1.4
Botswana	1.3	1.8	1.8	1.6	1.7	1.8	1.8	2.1	2.31	2.25	2.36

Source: CIA *World Factbook* (1990-2000)

Table 4.33: Imports (In Billions, US\$)

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Namibia	0.856	0.894	0.894	1.238	1.178	1.1	1.2	1.55	1.55	1.48	1.5
Botswana	1.1	1.7	1.6	1.7	1.8	1.8	1.8	1.5	1.6	2.43	2.05

Source: CIA *World Factbook* (1990-2000)

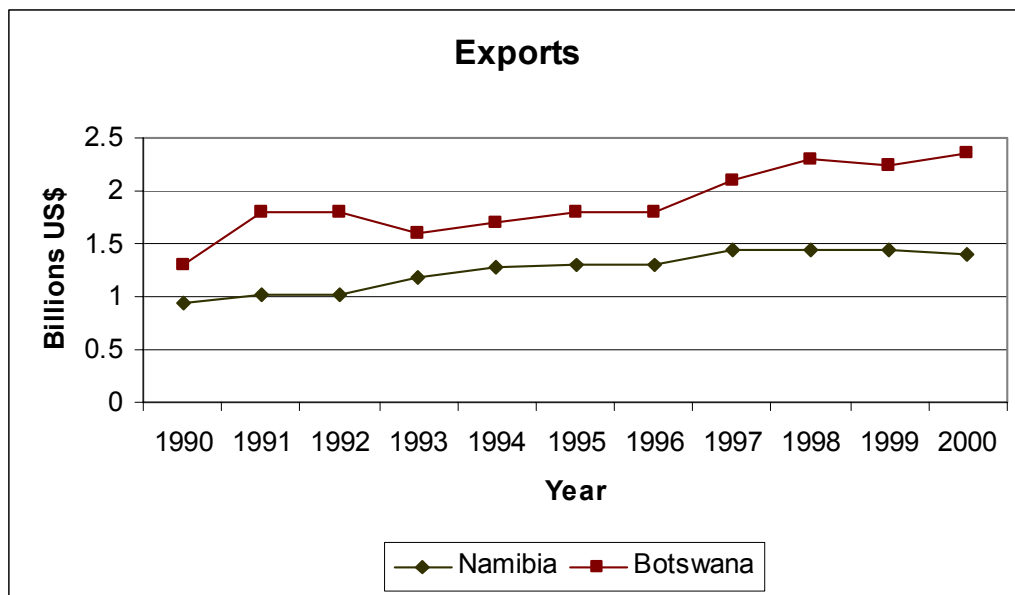


Figure 4.13: Exports  
Source: CIA *World Factbook* (1990-2000)

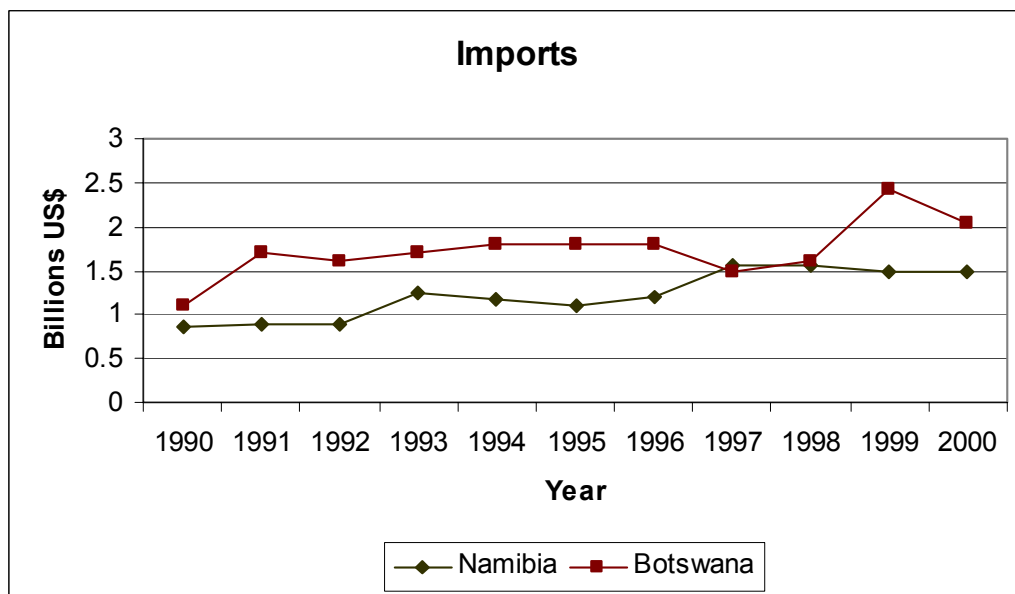


Figure 4.14: Imports  
Source: CIA *World Factbook* (1990-2000)

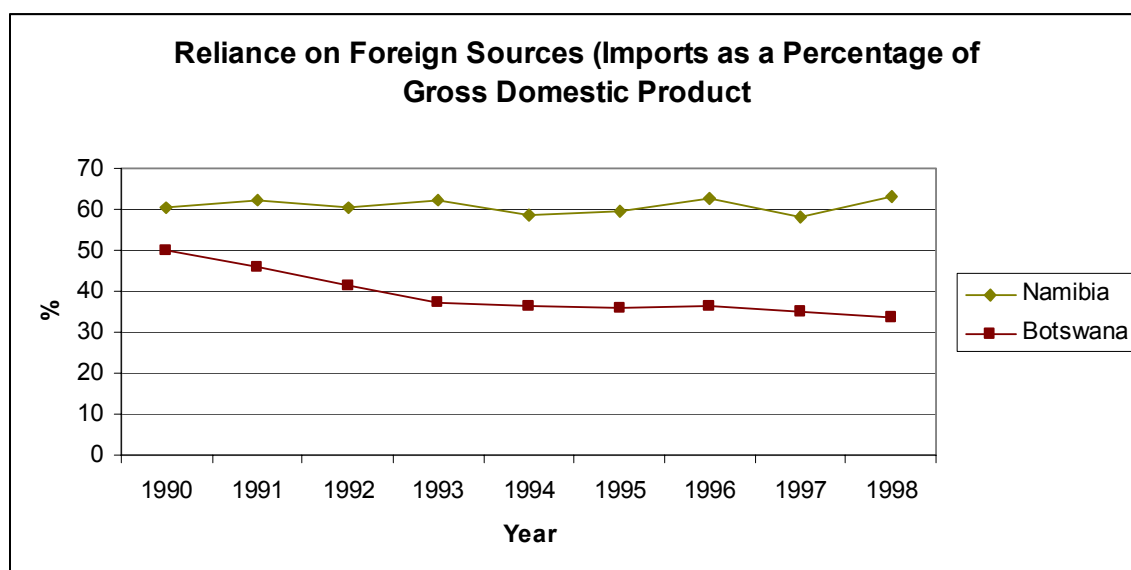


Figure 4.15: Reliance on Foreign Sources (Imports as a Percentage of Gross Domestic Product)

Source: *Country Indicators for Foreign Policy*



(CIFP), for instance, provides a measure for reliance on foreign sources (see Figure 4.22) which is, simply put, imports as a percentage of the gross domestic product. As the data makes clear, there is a clear divergence occurring here – Botswana’s economy is becoming substantially less dependent on foreign imports. Exactly what this might mean may be debatable, however it seems that this would infer that as Botswana’s import dependency lowers, domestic industries and service-providers are taking on a greater share of the nation’s wealth. Alternatively, of course, this also means that Botswana’s elites are in a position of greater independence, allowing them to ignore the dictates of the international economic and political elite – in other words their actions are less constrained and the opportunities for the international community to prevent the outbreak of violence is diminished.

Alternatively, we may consider exports as a proportion of the total gross domestic product. As illustrated in Table 4.34 and Figure 4.23, in both Botswana and Namibia exports became decreasingly important in the early part of the 1990s, but this condition largely stabilized in the latter half with, and this is important, Botswana depriving a higher proportion of its income from exports than Namibia. The implication, then, is simple – Botswana’s economy is more friendly to domestic businesses that hope to export their goods and services than its neighbor, whereas Namibia’s economy is more friendly to outside businesses seeking to do business within its borders. To put this in frank terms, given that neither nation-state has a developed political-economy, we may confidently assert that Namibia’s relation to the

Table 4.34: Exports as a Proportion of the Gross Domestic Product

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Namibia	60.7	56.7	51.0	59.2	33.4	22.4	22.4	23.3	23.3	21.8	19.7
Botswana	69.5	58.0	50	44.4	28.3	41.8	40	45.6	46.2	42.8	41.4

Source: CIA *World Factbook* (1990-2000)

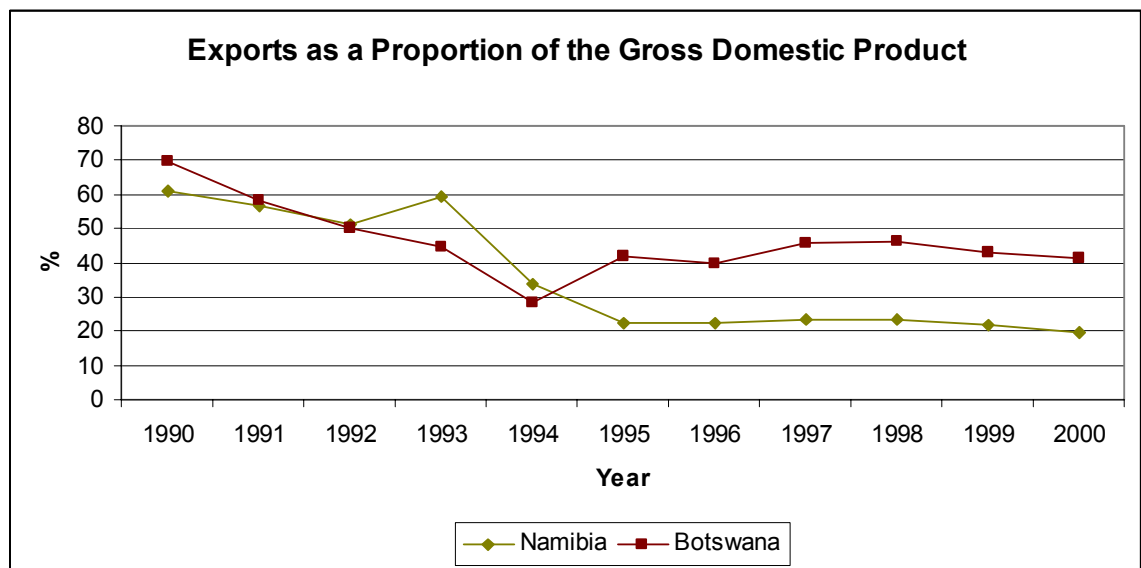


Figure 4.16: Exports as a Proportion of the Gross Domestic Product  
Source: CIA *World Factbook* (1990-2000)

outside world is more neocolonial than Botswana. Of course, we cannot be too quick to assert the long-term consequences of this. Autonomy too early in a state's development, as demonstrated time and again in Latin America, often leads to backsliding, whereas neocolonialism may actually result in very stable states, as in the United States' "clients" in East Asia during the Cold War.

Turning now to trade balances (and imbalances), we may see a deeply interesting set of patterns. First, Namibia and Botswana's trade balances seem to follow extremely similar patterns up through 1996 with neither state "winning" on the balance side by more than US\$ 200 million and deficits lasting no more than two years and making up less than half that amount (see Table 4.35 and Figure 4.20). The late 1990s, however, stand in stark contrast. By and large, Botswana's trade balance becomes radically more favorable, largely due to skyrocketing diamond prices, while Namibia's becomes slightly less favorable. As to how this would relatively effect stability, our appraisal should be simply that sustained imbalance likely did cost Namibia some stability, though probably this is slight, whereas Botswana's favorable trade position's importance in improving its own stability is dependent almost wholly on the government's ability to effectively redistribute the income – thus, while Botswana's stability was likely increased by the trade balance, it probably was not effected radically.

I also turned to the "Building the Capacity of ACP Countries in Trade Policy Formulation, Negotiations and Implementation" project, more

Table 4.35: Trade Balance/Deficit (in US\$ Billions)

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Namibia	0.079	0.127	0.127	-0.05	0.111	0.2	0.1	-0.1	-0.1	-0.04	-0.1
Botswana	0.2	0.1	0.2	-0.1	-0.1	0	0	0.6	0.71	-0.18	0.31

Source: CIA *World Factbook* (1990-1999)

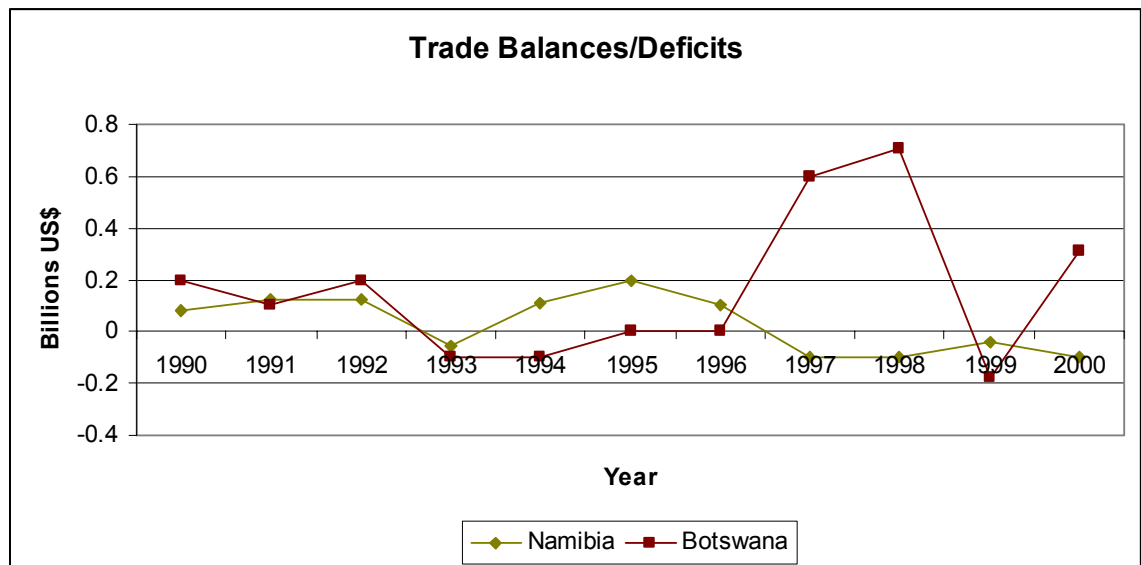


Figure 4.17: Trade Balances and Deficits

Source: CIA *World Factbook* (1990-2000)

commonly known as the “Hub-and-Spoke Project,” and a joint project of the European Commission (EC), the Commonwealth Secretariat (ComSec), the Organisation Internationale de la Francophonie (OIF), and the Africa, Caribbean, Pacific Group (ACP). The Hub-and-Spoke Project first notes that both states are members of the Southern Africa Development Community (SADC), an economic community which, among other things, cooperatively negotiates economic agreements with the major Western powers, specifically the United States and the European Union (not to mention other major trade organizations in developing regions, including Latin America). The project also reports that:

Namibia 's only bilateral preferential trade agreement was signed with Zimbabwe. Namibia maintains non-preferential or MFN agreements with China, Cuba, the People's Democratic Republic of Korea, Democratic Republic of the Congo, India, Ghana, Malaysia, Romania, and the Russian Federation. Namibia is also a beneficiary of the United States African Growth and Opportunity Act (AGOA) and also receives GSP treatment from Australia, Bulgaria, Canada, Czech Republic, the EU, Hungary, Japan, New Zealand, Norway, Poland, Russia, Slovak Republic and Switzerland.

Whereas:

Botswana has free trade agreements with Zimbabwe and India. Botswana also has a reciprocal customs agreement with

Malawi and MFN trade agreements with China, Czech Republic, Cuba, India, Slovakia, Romania, Russia, Republic of Korea and Zambia. In addition, Botswana is also a beneficiary of the United States African Growth and Opportunity Act (AGOA). Other countries providing Botswana with GSP treatment include Australia, Canada, EU, Japan, New Zealand, Norway and Switzerland.

In general, what we see in this light is that Namibia and Botswana have few significant differences in their countries of association, economically speaking. First, Botswana's special relationship with India stands out, as does the fact that Namibia trades with North Korea, while Botswana favors relations with South Korea. Besides this, the differences seem to be minor. Both states trade with Russia, the EU, the United States, Japan, and India and both states seem to have sought and both are party to the SADC development community – though intriguingly both have far fewer bilateral trade relationships that one might expect on the regional level. At first glance, at least, there would appear to be parity in this point.

To add depth, we should consider both states' figures on exports and imports with specific attention to those states with whom this form of engagement is occurring. According to the Hub-and-Spoke Project, as of 2000 some 87% of Botswana's exports went to members of the European Free Trade Association (EFTA) (essentially the European Union and other developed non-EU states, including Iceland and Switzerland), some 7% to

members of the Southern African Customs Union (SACU – composed of South Africa, Botswana, Lesotho, Namibia and Swaziland), and another 4% to Zimbabwe. Contrarily, approximately 79% of Namibia's exports at approximately the same period went to European states, and some 4% to the United States – the remaining trade, according to the *CIA World Factbook*, was largely conducted with South Africa.

In terms of imports at the same time, Botswana's imports are largely derived from Southern African Customs Union states (74%), whereas EFTA states provided 17% and Zimbabwe 4%. Alternatively some 50% of Namibia's imports came from the United States, 31% from European states, while most of the remaining imports were a product of South Africa.

This information gives us a far better picture of the nature of our two states interstate economic relationships. Similarities include two key points. Specifically, both states' interstate trade is heavily European and South Africa (SACU being dominated by South Africa). The fundamental difference between the two states is that Namibia has been able to bring in another great power, the United States, an act that has decreased both the European Union and South Africa's influence on Namibian economic policy.

What does this mean, however? Well, both states are similarly dependent on interstate trade, with Namibia's GDP being composed of only slightly less interstate trade (39% versus 44%) than Botswana, and both states are economically dependent on regional or global great economic powers. What we can say, however, is that Namibia is slightly more inclined

to rebellion because its relationship to the global economy is a politically freer one (see Table 4.36 and Figure 4.17). Specifically, its greater relative autonomy and its ability to play more actors against one another increases its government's ability to act independent of interstate pressures, if only slightly, thereby increasing the state's ability to pass on the costs of exploitation to politically weaker groups. That said, however, given that the US pursues virtually identical ends as South Africa and the European states and the fact that Botswana has more exploitation to 'spread around' probably offsets the potential destabilizing effects of the structural differences, resulting in near-parity.

### *Foreign Aid*

As we can see from Table 4.36 and Figure 4.18, a key difference between Namibia and Botswana lies in their relative dependence on foreign aid as a driving factor of their economies. Granted, neither state is radically high in terms of the proportion of their incomes derived from foreign aid, but an important pattern of divergence appears early in the 1990s – Botswana begins a general trend of decreasing its proportional dependence on foreign aid *vis-à-vis* Namibia, increasing the gap from .88% in 1990 to 4.23% in 1996 (though this gap had begun to decrease again the next year, down to 3.45% in 1998). The inference, then, is that Botswana is likely to be slightly less



Table 4.36: Foreign Aid as a Proportion (%) of GDP

	1990	1991	1992	1993	1994	1995	1996	1997	1998
Namibia	4.89	6.81	4.84	5.51	4.37	5.53	5.76	4.94	5.75
Botswana	4.01	3.31	2.63	2.9	2.05	1.85	1.53	2.53	2.3

Source: *Country Indicators for Foreign Policy* (2006)

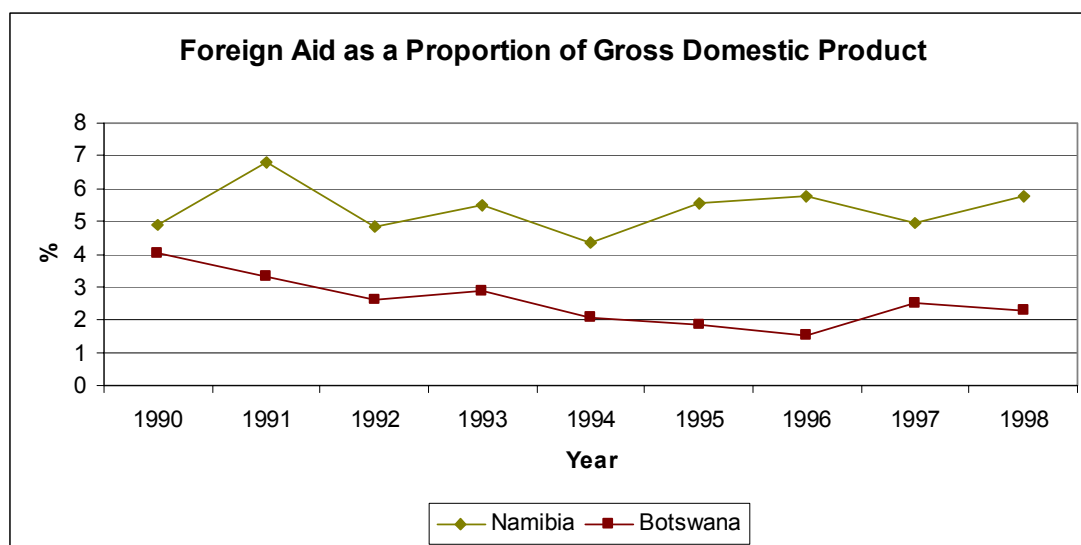


Figure 4.18: Foreign Aid as a Proportion (%) of GDP

Source: *Country Indicators for Foreign Policy* (2006)

likely to exhibit the destabilizing traits of dependence and neocolonialism vis-à-vis Namibia.

### *Intergovernmental Organization and Treaty Membership*

Little needs to be said in terms of Namibia and Botswana's parity in terms of intergovernmental and nongovernmental membership variance – as Table 4.38 demonstrates, both states are nearly equally entrenched in the neoliberal, interstate system, converging rapidly in the period following Namibian independence.

This point is further emphasized by the total number of international agreements to which both states are party to during the period studied. While, again, Botswana begins the decade as party to more agreements than its peer state, Namibia rapidly accedes to all but one of the same agreements itself during the period of inquiry (Table 4.39). Put simply, in terms of formal international cooperation, there can be little doubt that both states exist in near parity.

### *Interstate Disputes*

In terms of interstate disputes, we may compare Namibia and Botswana in two different manners. First, we may compare the total number of official, formal interstate disputes to which each state is party. This genre of dispute

Table 4.37: Total Number of Intergovernmental Organizations in Which State is a Member

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Namibia	5	21	29	29	35	36	36	37	37	40	39
Botswana	24	33	33	34	37	39	35	36	36	37	39

Source: CIA *World Factbook* (1990-2000)

Table 4.38: Total Number of Major International Agreements to Which State is Party

	1994	1995	1996	1997	1998	1999	2000
Namibia (signed & ratified)	3	3	4	6	8	8	8
Namibia (signed)	5	5	7	8	8	8	8
Botswana (signed & ratified)	5	5	6	7	7	8	9
Botswana (signed)	6	6	7	7	7	8	9

Source: CIA *World Factbook* (1990-2000)

specifically includes those in which some sort of formal diplomatic protest or gesture has been made – negotiations need not be forthcoming. As we can see from Table 4.39, Namibia was engaged in more formal interstate disputes than its peer Botswana soon after it acquired independence, but ultimately resolves most of these, reaching levels of disputation virtually identical (save for two years in which it was actually engaged in fewer disputes) to Botswana. Thus we can say that well before the 1999 East Caprivi revolt a manifest state of parity along these lines existed.

Secondly, we may consider militarized interstate disputes, or MIDs. Originally conceived by Daniel M. Jones, Stuart A. Bremer and J. David Singer (1996), the militarized interstate dispute as part of their Correlates of War project (and later updated in its third version by Faten Ghosn, Glenn Palmer, and Stuart Bremer in 2004), a militarized interstate dispute may be defined as any instance in which force was used between state actors. Note that this does not necessarily even infer that shots were fired (for instance, “threatening” fly-bys may be used), and it certainly does not require there be casualties. In other words, this is the lowest possible threshold for measuring interstate violence recognized in the academic community.

That said, if we consider the data in Table 4.40, we can immediately see that, since the period of Namibian independence, both states have engaged in exactly the same number of MIDs (including one between one-

Table 4.39: Total Number of International Disputes to Which State is Party

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Namibia	3	3	4	5	2	3	3	2	3	3	1
Botswana	2	3	3	3	3	3	3	3	3	3	1

Source: CIA *World Factbook* (1990-2000)

Table 4.40: Militarized Interstate Disputes (1992-Present)

4117	Botswana and Namibia dispute the border demarcation along the Chobe River, and both claim several islands including Situngu Island. Situngu is submerged for much of the year, but is apparently cultivated when not submerged. Namibia claims Botswana is occupying the island--Botswana denies the claim. On Oct. 4, Botswana Defence Force soldiers reportedly told farmers to leave the area. Accusations by Namibia of Botswana's occupation follow in Jan 1998. Namibia claims Botswana wants to build military bases to thwart efforts at farming. Agreement reached on 1/22/98 violated almost immediately. Followed by a border violation by Namibia in April.
4162	Lesotho's king Lutsie III ousted Prime Minister Ntsu Mokhekle (8/17/94) with force. South Africa (along with Zimbabwe and Botswana) urged the reinstatement of the Prime Minister (8/25/94). During 9/7-9/9/94, South Africa takes escalatory action against Lesotho, including (repeatedly) massing troops at the border, threatening blockade, and flying fighters over a Lesotho military base. Lesotho responds by fortifying its border.
4339	A peace agreement was reached on July 7, 1999 and signed by all six states (Angola, Democratic Republic of Congo, Namibia, Rwanda, Uganda, and Zimbabwe) on July 10, 1999. Two rebel groups signed later in August of 1999. However, the agreement was never fully implemented or adhered to and at some point denounced both by the rebel groups as well as Democratic Republic of Congo. The end date is set to June 3, 2001 as this is 6 months after the last codable incident. As for Chad it withdrew its troops following a peace agreement attempt on April 18, 1999.

Source: Ghosn, Faten, Glenn Palmer, and Stuart Bremer. 2004. "The MID3 Data Set, 1993–2001: Procedures, Coding Rules, and Description." *Conflict Management and Peace Science* 21:133-154. and "Dispute Narratives – MID 3.0 dataset Correlates of War 2 project." 2004.

[http://cow2.la.psu.edu/COW2%20Data/MIDs/MID\\_v3.0.narratives.pdf](http://cow2.la.psu.edu/COW2%20Data/MIDs/MID_v3.0.narratives.pdf)  
(accessed August 8th, 2006)

another): two. The obvious parity of the river dispute between Botswana and Namibia, which yielded only land-grabs, and no explicit violence, is distinct. That said, there is a distinct disharmony in the other MIDs. Botswana's other MID is composed merely of a set of threatening gestures in support of the deposed democratic regime in Lesotho – war was not an outcome. Namibia, on the other hand, deployed troops into the relatively large-scale war that ravaged the Democratic Republic of Congo, engaging in violent action on a substantially larger scale. That said, Namibia's role in this conflict was not particularly deep or wide – this is perhaps best spoken to by the point that, with the onset of this conflagration, Namibia raised their defense spending by only one-half of a percent of their GDP, meaning for the first time since 1990 Namibia's proportional defense spending was over that of Botswana's, which was cut radically that same year.

All this said, given that the MIDs elicited only minor domestic transformation, their significance can definitely be said to be minor – but one must assume that Namibian participation in the Congolese civil war did, at least slightly, increase pressures on the orthodox system.

### *Handling of Refugees*

I include the handling of refugees as a factor because it hearkens to several theoretical traditions. On the one hand, handling of refugees, a politically and economically disadvantaged group in virtually every incident, calls to mind feminist theories and the tendency of norms of equality to be related to norms

for tolerance for violence. States that are less tolerant of refugees and their crises, in other words, might be expected to be more likely to experience radical, extraordinary politics that states which are.

Alternatively, realists of numerous types, and particular Malthusian realists, would be concerned about the fact that refugees increase the utilization of resources that, otherwise, would be dedicated to the native population. Consider in particular the work of Hardin (1968) and his lifeboat theory – shifting populations threaten to unbalance particular ecosystems and political economies by putting population pressures on territories that are ill-equipped to deal with them. Accepting refugees is tantamount to accepting additional costs for your society with few prospects, in the short-term at least, of every defraying said costs. Accepting costs without concurrent benefits demands that the ruling elites place greater pressure on native populations and, therefore, increase the number of grievances and the amount of resource competition. Add in the classical and neorealist calculi of increased threats of transnational action (e.g. refugees using your nation-state as a base to strike their home nation or another nation-state fearing such an action and taking preemptive actions) that necessitate the build-up and concentration of military forces along borders that are already sensitive to risks of arms races and so forth, and realists in general would assert that accepting refugees constitutes a (generally) unwise strategic decision, destabilizing in both the domestic and international fields of play.

I would like to begin by noting that the Statistical Yearbooks of the United Nations High Commission on Refugees (UNHCR) list both Botswana and Namibia as having no internally displaced persons, or refugees fleeing from one part of a nation-state to another, reported during the period of the study – a nod in the direction of stability for both states. Further, I would also like to point out that the geography of refugee camps in the two states is very similar – by and large refugee camps are bundled very close to the northern borders of the states, specifically to deal with Angolan and Congolese refugees, though in the past some Rwandan refugees have also made their way to Botswana (though most of these were granted asylum).

Secondly, in order to determine how the governments of Namibia and Botswana treated refugees to their states I reviewed the 1999, 2000, and 2001 “Country Reports on Human Rights Practices” published by the United States Department of State (Bureau of Democracy, Human Rights, and Labor). According to the reports, the states were fairly similar in this category. Institutionally, both states were signatories to the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol and both states worked with the UNHCR consistently to guarantee quality of human rights. That said, both states had some military and/or police personnel reportedly abuse some refugees through imprisonment in local jails rather than camps and through beatings. In the case of Botswana this was usually in response to individuals leaving refugee camps without authorization



from government officials, while in Namibia abuse was largely aimed at individuals suspected of ties with the Angolan rebel group UNITA (National Union for the Total Independence of Angola or União Nacional para a Independência Total de Angola). In both states, however, abuses were generally considered the exception rather than the rule, and generally refugees were as well treated as could be expected.

Finally, in order to determine capacity, I returned to the UNHCR *Statistical Yearbooks* and compiled the data found on Tables 4.41 and 4.42. What we can see is that Namibia not only has grossly more refugees than Botswana (around five times as many on any given year), but bears a financial burden that is equally disproportionate. Such a burden would be difficult for even developed states to swallow, but for a still developing state like Namibia, the costs are disproportionately high.

To summarize, then, we can say that while Namibia and Botswana are effectively in parity in terms of their institutional approach to refugees, not to mention their structural patterns of limited abuse, Namibia's political geography along the Angolan border has put far more of a burden on them than in the case of Botswana. The result is, assuming Hardin is correct, that Namibia's high concentration of refugees, itself in part a product of pacifying liberal domestic policies, is probably increasing its propensity to experience radical, extraordinary politics.

Table 4.41: Total Number of Refugees

	1995	1996	1997	1998	1999
Botswana	266	214	281	2137	1296
Namibia	1682	2204	2511	3820	7612

Source: UNHCR *Statistical Yearbooks*

Table 4.42: Refugees Per 1 US\$ GDP/Per Capita

	1995	1996	1997	1998	1999
Botswana	0.1	0.1	0.1	0.5	0.3
Namibia	0.8	1	1.2	1.8	3.6

Source: UNHCR *Statistical Yearbooks*

## Summary

This section of my dissertation has aimed to accomplish one simple point: to determine whether or not Botswana and Namibia were so structurally and institutionally similar that one could expect that, following the orthodox methods of determining a state's ripeness to experience an onset radical, extraordinary politics, both states would be predicted to experience a similar outcome. I did this by dividing this chapter into four sections, each of which examined the structures and institutions of the two states in detail. I would like to summarize these findings briefly, then discuss their implications.

In terms of their economies, with specific reference to both their levels of development and their rate of development, in general we have found that that Botswana and Namibia exist in a state of general parity. The only substantial exception to this lies in the simple point that Botswana's rate of physical infrastructure growth more closely resembles a pattern expected to result in rebellion than does Namibia, with the exception of the development of in-home electrical infrastructure.

Social structural patterns are in rough parity, though Botswana's somewhat worse HIV/AIDS crisis may be said to have imbalanced that state at a slightly higher rate. Culturally, however, we can note some differences, though the mixed bag nature of these differences yields no conclusive results. Specifically, we find that that the general structure of religious, ethnic, linguistic, and racial diversity in Botswana is more conducive to the onset of

radical, extraordinary politics than in Namibia, though by no means radically so. Alternatively, in terms of the geography of transnational ethnolinguistic identities, we can say that there is near parity between the two states – both states' populations are almost entirely composed of persons who share their ethnolinguistic identities with individuals in other states. Finally, we can say that the Minorities at Risk measure highlights Namibia as having more minorities at risk of government oppression, etc., though again not radically so.

By and large, we can say that, institutionally, Namibia and Botswana are in a general parity, though Namibia's institutional arrangements, particularly with regards to the rights of defendants, seem to be slightly superior in preventing radicalization. Structurally as well we can speak of a general parity, though here we have to discuss a few key points in more detail. For instance, while discrimination is present in both Botswana and Namibia, it seems to be more expressly political in the former and more socio-economic in the latter, though in both states racial (though not ethnic) identities are correlatable with income. Furthermore, both states party systems, which favor a democratically elected but utterly dominate single party, are virtually indistinguishable in terms of their party behavior and apparatus, despite their varied backgrounds. And, while the Polity IV measure states that Botswana is a more democratic state than Namibia, there appears to be little real difference between the two states in real terms, and this difference lies largely in the age of their systems (which is further

problematized by the lack of recent updates to the Southern African states). The key difference between the states lies in the tendency of Namibia's to seek solutions to socio-economic problems through accessing non-governmental elites and communities, a point which does not necessarily infer a greater likelihood of radical, extraordinary politics but which does decrease the costs of engaging in this form of politics and creates extra-orthodox political-economic mechanisms capable of enhancing non-state actors' abilities should such a situation come into being.

With regards to interstate relations, we can assert that these two states are, again, in general parity with one another. Three key exceptions to this, however, exist. The first two lay in Botswana's pattern of trade and Namibia's slightly greater dependence on interstate loans and aid – both of which may be said to increase domestic instability. The third is a product of Namibia's internationally advocated open-policy towards refugees (primarily from Angola) that has led it to acquire a human burden far in excess of Botswana's.

What are the implications of this high level of parity – the existence of two states that are so similar that, absent non-structural and non-institutional details they are nearly indistinguishable? We can only conclude that, as I have earlier posited, some other factor or factors have played a role in the causal chain, either dampening dissent in Botswana or heightening it in Namibia. I argue that, ultimately, this difference lies at least part in the decisions of non-traditional elites in one state (Namibia) to begin the process of publicly

rationalizing a shift from the ordinary to extraordinary (and radical) political discourse and action. In other words, elites determine that radical, extraordinary politics is a rational course of action and begin manipulating their legions through the use of two means: 1) transforming the nature of the political-cultural discourse through speeches and other means of propaganda, thereby altering “their people’s” cost-benefit analyses, and 2) developing alternative political-economic resources that are not dependent on the orthodox political-economy (especially the state), again, altering their people’s cost-benefit analyses. I will explore this further in my next chapter.

## **CHAPTER V**

### **DIVERGENT IDENTITIES AND DEGREES OF MOBILIZATION IN NAMIBIA AND BOTSWANA**

The model I have developed describes the onset of radical, extraordinary politics in general and wars of secession and in particular asserts that the key flaw with the contemporary, orthodox approach to the predicting these events lies in the fact that most literature focuses on structural and institutional precursors to such conflict *at the expense* of other stages of conflict development, notably the mobilization of resources and manpower and environmental policy factors that are likely to effect the decision-making process of disestablishmentarian elites and their relevant populations by either increasing or decreasing perceived risk. The next two chapters will constitute elementary inquiries into the possible relevancy of these stages to the prediction of conflict, notably by attempting to determine whether Namibia and Botswana, so notably similar in their structural and institutional characteristics, diverge in terms of these characteristics.

I have selected four measures to employ for this first chapter:

#### *Identities and Loyalties*

The first question I will consider is, simply, are members of the relevant identity group shifting their personal identity and loyalties towards a disestablishmentarian identity relative to the orthodox/dominant identity? The validity of this principle is manifest and requires little discussion. Consider the

American Revolution, for instance. This war of secession was largely fought by three parties, two of which were allied. On the one hand was the dominant power, the British forces *from Britain*. Allied with there were North American colonists who *continued to identify themselves as British*. And, of course, opposing these two groups, who believed (rightly or wrongly) that they constituted a single, valid new identity were those North American colonists who had become convinced *they were Americans*, or more obliquely, *not British*. Wars of secession, whether ethnic or not, necessarily require both a reiteration of the rebelling group's identity in and of itself *and* relative to the dominant/ruling group's identity.

While there are several potential methods of operationalizing this vector of analysis, two extremely straightforward methods exists in this case. First, data on self-identity from the Afrobarometer surveys of Namibia can be compared to that on Botswana. In essence, Afrobarometer asks those persons it surveys whether they identify themselves primarily as members of the nation-state in which they reside or whether they primarily utilize a different identifier – for instance a minority ethnicity or a religious identity when conceptualizing their group-of-first-allegiance.

Comparisons of this data can be made on two levels. First, I will use the same source to determine if there is a divergence between the degree to which identity and value entropy have pervaded the system, or more accurately, the consciousness of the people of the state in particular.



Secondly, on the state level, in which we can compare the frequency of “Namibianism” to the frequency of “Batswanaism” to determine if, following the state-level orientation of structuralists and institutionalists, variation exists at a high-level. Secondly, and perhaps more tellingly, using cross-referenced Afrobarometer data we should be able to isolate data from Caprivi (specifically, data acquired from persons surveyed in Caprivi) and compare it to data from the Kalanga-dominated North East District of Botswana.

### *The Genesis of an Alternative, Unsanctioned Political-Economy*

Are members of the relevant identity group being weaned off of the orthodox political-economy as an alternative political-economy is developed? This is my second question. Specifically, this is constituted by the development of effective black and gray economies and polities. Black and gray economies are central because they deprive the state of resources which could be used to continue to dominate the relevant identity group, as well as allow the state a key capacity: the ability to withhold those resources and/or services. Black and gray polities are central because they not only deprive the state of essential legitimacy, but furthermore decrease the costs and risks of rebellion for participants or passive supporters.

This operationalization presents one obvious and key problem – it seeks to uncover evidence of political and economic systems whose members explicitly seek to remain hidden from formal authorities. The logical assumption, then, is that if the supporters of black and gray economies and

polities are at all effective (and we can assume they were in Namibia at the time, given that they managed to allow the acquisition of adequate material to allow for the development of the Caprivian revolt), they will remain largely hidden from public purview.

Our goal, then, should not to seek open admissions of the existence of such systems – if they exist, they will likely originate from authorities who are biased against their targets and will like as not have a vested interest in either underestimating or overestimating the size of said markets. What we can do, however, is look for secondary markers that such systems exist.

Another marker should be the level of corruption in a state. From this perspective, corruption plays a different role than that generally supposed by structuralists and institutionalists. For them, corruption is a sign of injustice and of the unequal distribution of resources, and therefore destabilizing by supporting widening and deepening resentment and alienation, wealth concentration, and political mismanagement – all of which are valid assertions. However, at this stage in the causal chain, corruption plays an additional role – it provides disestablishmentarian elites with additional “doors”, means and methods of moving personnel, hiding, acquiring and selling resources, and so forth. Disestablishmentarian elites will often seek to either support or harness corruption in the bureaucracy and government of the state in order to create room for the development of their alternative political economy. Thus, we would expect to see in Namibia in general, or at least in Caprivi, higher levels than in Botswana (or in the Central District).

There are numerous potential resources for this data, including Transparency International and the Internet Center for Corruption Research's Corruption Perceptions Index, and again Afrobarometer. I have elected to favor the Afrobarometer survey here for a few key reasons, however. First, while Transparency International's Corruption Perceptions Index is well respected and has the advantage of allowing non-natives to survey the states, the number of persons surveyed for Third-World states is extraordinarily small – only four for Botswana and three for Namibia in 1999 – calling into serious doubt the validity of those findings. Secondly, Afrobarometer survey has a particularly high utility in this regard, specifically because its surveys are not limited to the state-level. Quantitative comparisons would be expected to reveal that Namibia's level of corruption is higher and therefore its black and gray political-economy is more robust, providing the Caprivi rebels with a substantially increased capacity.

### *Personnel Mobilization*

Another question which remains to be asked is, simply, are members of the relevant identity group being recruited into political and/or military positions?

In most cases, including the Namibian experience, this realm of analysis will be necessarily limited to post-violence explanation – prediction is highly unlikely *for academics* because to acquire this information is likely to necessitate powerful and effective intelligence resources. This said, I intend to review major regional and local newspapers (English-language, with

particular emphasis on *The Namibian*) for references both to the number of recruits and the primary occupations of those recruits. While the gross data may give us some information (on the proportion of Caprivi who were willing to engage in the act of rebellion), data on the rebels' occupations will provide likely explanations of the recruitment patterns. By this I mean, specifically, what groups of people were recruited early and which later by the original cadre. This inquiry is, of course, necessarily one-dimensional – since no such rebellion has taken place in Botswana we cannot hope to find relevant data on the recruitment therein.

### *Resource Mobilization*

Beyond recruitment and personnel mobilization, which we have addressed above, another, question we might ask is whether or not disestablishmentarian political elite, at minimum, are acquiring the physical resources necessary for warfare? Most explicitly this refers to weapons, but ultimately this sort of analysis might also include other such infrastructure, including communications, transportation, and field medical equipment.

This operationalization, is again, a difficult one since again it is rational to assume that disestablishmentarians will attempt to hide their progress. This limits us, by and large, to a historical (explanatory but not predictive) review of journalistic communications, with the possible exception of captured material, for instance if weapons caches are captured or if shipments are interdicted. While this measure is imperfect, frequent interdiction and capture

of material will like as not hint at very high levels of resource development acquisition, given that relatively poor states with highly porous borders are simply incapable of very of high levels of interdiction *relative* to the total quantity of contraband available – if one doubts this, consider the size of illicit interstate arms and drug markets in developed states with similar democratic restraints. Of course, in order to establish comparability, similar frequency searches will be conducted for both the Caprivi and Kalanga peoples.

## **Identities and Mobilization**

That part of the process of mobilizing a population to resist an orthodox political-economy which hinges upon the dimension of identity takes place, as discussed above, not merely in two forms, but in two stages which *in individuals* take place in temporally distinct stages – we can assume that in a given population both processes can be simultaneously occurring in different people. The first of these stages is that of identity entropization/alienation.

Alienation is term that requires a definition, if for no other reason that the term has been applied in so many ways and for so many purposes, many of which are arbitrary or contradictory. When I use the term alienation, what I mean is the process by which human beings cease to conceive of themselves as part of a given broader community, be it a literal community or a metaphorical, imagined community. The process, then, is not necessarily one of ostracism or immigration, though these may constitute behavioral manifestations of alienation, but rather is one by which humans come to

believe that they no longer share the interests, goals, symbols, and so on of a community with which they formerly did identify. It is, in other words, synonymous with the concept of identity entropy, that is to say the tendency of individuals in a society to enter a chaotic state in terms of their identity and values.

This stage must occur prior to the second stage, that of adopting a new identity or identity set (and the accompanying political and economic goals, norms, mores, etc.) because, in instances of disestablishmentarianism, identity serves specifically as a dividing element – it defines both allies and enemies. To merely adopt several contiguous identities, on the other hand, a condition which we may refer to as ethnic cosmopolitanism (for an Africa specific version, see Werbner 2004, 63), does not allow for the necessary fractures that justify acts of revisionism, particularly violent acts of revisionism. Specific examples of this sort of cosmopolitanism abound in present and historical successful multiethnic polities – the United States, the United Kingdom (especially since the late 18<sup>th</sup> Century), Canada, the Roman Empire, the Persian Empire, the Carthaginian Empire, and the Incan Empire are but a few of these.

Of course, we must assume that practically this model may not occur. Some populations carry high levels of alienation for tremendous periods of time, never adopting the identity of the dominant regime and/or never losing their pre-regime identity. We can assume this is most likely to occur (1) in states where the concept of nation is weak and (2) where nation-building

experiences have been limited; sub-Saharan Africa, South Asia, and among native American populations of Latin America stand out as likely candidates for this condition in particular.

### *Identity Entropy/Alienation*

A logical expectation in a functioning democracy is that in states in which alienation, an almost universally acknowledged precedent to the onset of radical, extraordinary politics, is high, the population's engagement with politics tends to drop off. Table 5.1 reports the Afrobarometer's findings on whether or not people follow their nation's politics. The results are surprising. Whereas in both states the proportion of population that follow politics intensely is relatively similar, separated by only four percent, the proportion of the population that sometimes follows politics is far lower in Botswana than in Namibia – in fact, Botswana's politically interested proportion is less than half that of Namibia's. Thus the proportion of the population that often follows politics in Namibia (72%) is nearly double that of Botswana (39%). Fully 39% of Botswana are entirely unconcerned with politics, as compared to 19% of Namibians. This data is surprising to say the least.

More moderate differences exist with regards to people's beliefs as to whether or not voting matters (Table 5.2), that is to say whether or not the democratic process is capable of improving the political-economic state of affairs for the population of the given state. The proportion of those persons who strongly believe in the system are virtually indistinguishable in our cases,

Table 5.1: Do You Follow Politics?

	Namibia	Botswana
Always/Most of the Time	211	177
Some of the Time	572	274
Only Now and Then	166	250
Hardly at All	141	454
Don't Know	77	30

Degrees of freedom: 4 ; Chi-square = 310.09 ;  $p$  is less than or equal to 0.001; The distribution is significant

Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

Table 5.2: Does Voting Make a Difference in the Quality of the Future?

	Namibia	Botswana
Agree Strongly Will Make a Difference	208	237
Agree Will Make a Difference	228	90
Agree Won't Make A Difference	139	184
Agree Strongly Won't Make a Difference	511	623

Degrees of freedom: 3 ; Chi-square = 78.11 ;  $p$  is less than or equal to 0.001 ; The distribution is significant

Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)



about 2% more in Botswana than in Namibia, but the proportion with more moderated but still generally positive perspectives swells in Namibia relative to Botswana, 21% as compared to 8%. That said, however, the proportion of both populations who don't believe that democracy will have an effect remains within a 10% variance, 60% in Namibia and 71% in Botswana. Nonetheless, this again challenges the general perspective as to what should be occurring in this period – common wisdom holds that as a population grows closer to experiencing radicalization and violence, the proportion of persons with little faith should grow *vis-à-vis* states who do not experience such rebellion.

One category in which the differences between Botswana and Namibia are quite minimal is in whether or not people believe who is in power matters (Table 5.3) – there is only a one percent difference in the proportion of Namibians and Botswana who believe that the political system's performance is affected by whom holds formal political power. This seems to indicate that there are multiple types of alienation at work – that which affects people's *interest* in politics and that which affects people's *expectations* from the political process. Even so, however, this still seems to contradict contemporary common sense about the nature of identity entropization and political radicalization – it is almost universally believed that states whose people believe the system is irredeemable (e.g. no matter who is in power in the system it will fail to function) should be higher in states about to experience the onset of radical, extraordinary politics.

Table 5.3: Who is in Power Matters in Determining the Quality of the Future

	Namibia	Botswana
Agree Strongly Will Make a Difference	476	569
Agree Will Make a Difference	139	225
Agree Won't Make A Difference	97	71
Agree Strongly Won't Make a Difference	150	258

Degrees of freedom: 3 ; Chi-square = 27.36 ;  $p$  is less than or equal to 0.001 ;  
The distribution is significant

Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

Table 5.4 provides us yet more data on the legitimacy of the systems of government present in Namibia and Botswana, with specific reference to whether or not people believe their system of government is in fact democratic, with the implication, of course, that if the state is not genuinely democratic than it is merely a puppet for one or a coalition of dominating powers. Here again the results are not what we'd expect according to the common wisdom. Namibia's proportion of population who explicitly reject the system as undemocratic is only 3%, while Botswana's is 5%. This significance of this is somewhat moderated by the fact that 17% of Namibians assert that the system is democratic with major exceptions, as opposed to 8% of Botswana, but even this merely indicates state similarity (rather than the alternative, which is standing the popular hypothesis on its head). This principle is again reiterated in the nearly identical proportions in Namibia and Botswana who believe in (or disagree with) the sentiment that "democracy works well" in Namibia or Botswana (Table 5.5).

Moving on to more explicit measures of popular conceptualizations of the state's legitimacy (Table 5.6), another blow to the common conceptualization radical, extraordinary politics lies in the minimal difference between Namibia and Botswana's populations' perception of whether or not the preceding elections were generally free and fair. Only a three percent difference lies between the population of Botswana's (with 58%) belief that the elections were *entirely* free and fair and that of Namibia (with 55%) and the proportion of the population who believed that the elections were not free

Table 5.4: Is the State Democratic?

	Namibia	Botswana
Completely Democratic	347	550
Democratic With Minor Exceptions	486	434
Democratic With Major Exceptions	176	91
Not a Democracy	32	60

Degrees of freedom: 3 ; Chi-square = 80.55 ;  $p$  is less than or equal to 0.001 ;  
The distribution is significant

Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

Table 5.5: Are You Satisfied With Democracy?

	Namibia	Botswana
Very Satisfied	331	384
Fairly Satisfied	417	511
Not Very Satisfied	229	171
Not At All Satisfied	67	89

Degrees of freedom: 3 ; Chi-square = 19.41 ;  $p$  is less than or equal to 0.001 ;  
The distribution is significant

Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

Table 5.6: Were the Last Elections Free and Fair?

	Namibia	Botswana
Completely Free and Fair	581	654
Free and Fair With Minor Problems	333	340
On the Whole Free and Fair with Several Major Problems	91	78
Not Free or Fair	39	41

Degrees of freedom: 3 ; Chi-square = 3.23 ; For significance at the .05 level, chi-square should be greater than or equal to 7.82 ; The distribution is not significant ;  $p$  is less than or equal to 1.

Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

and fair at all is identical in both states – four percent. Again, common wisdom would hold that this latter statistic should be observably different in the two states, and yet it is indistinguishable. When we compare these results to those which are the product of a similar question – was the government in power elected through appropriate accepted procedures, again we see that the variance is relatively small (Figures 5.1 and 5.2) – 85% of Botswana assert that their government was elected in such a fashion, with 83% of Namibians agreeing.

Perhaps (now) unsurprisingly, the variance between the two societies of Botswana and Namibia opinions on the legitimacy of the state vary less than common wisdom would expect – only 12 percent of Namibians feel that their state did not exercise its power in a legitimate fashion, while 15 percent of Botswana felt as much (Table 5.7) – a double surprise in that not only did Botswana opinions lie close to those of Namibians, but in fact were more negative than those of their neighbors!

Before continuing, it is worth pausing to summarize. What the Afrobarometer surveys have found is that consistently in Namibia and Botswana, two states whose structural and institution characteristics are as similar as can be expected, the differences in terms of state legitimacy and systemic legitimacy, in terms of performance, expectations, and method of acquiring power, are virtually indistinguishable, and when they are

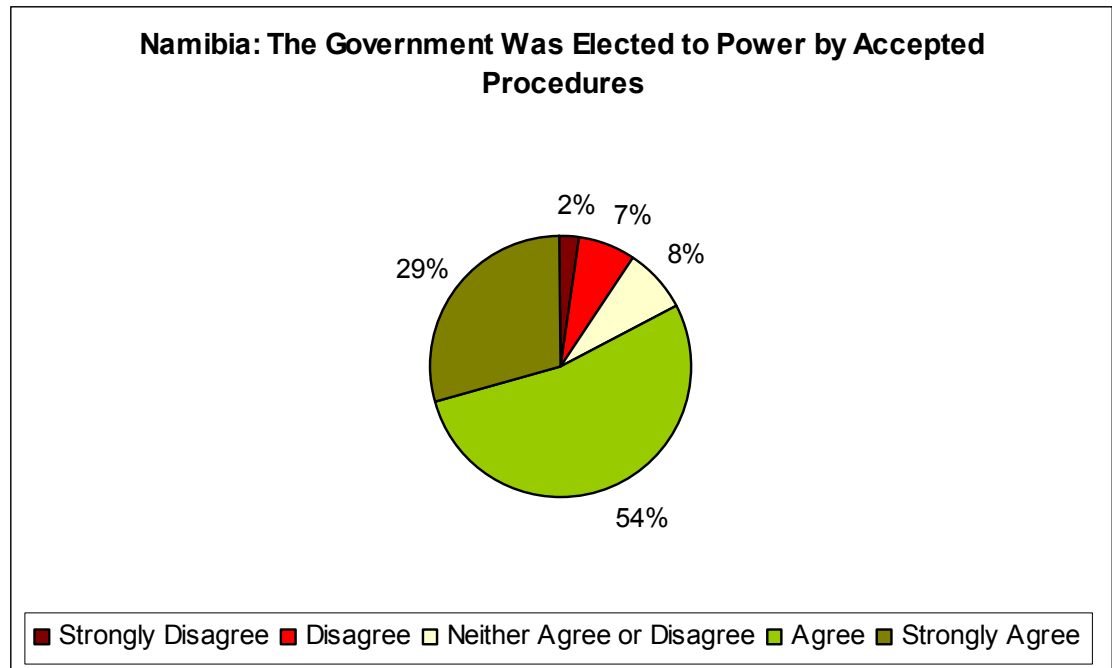


Figure 5.1: Namibia: Election of the Government was by Accepted Procedures

Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

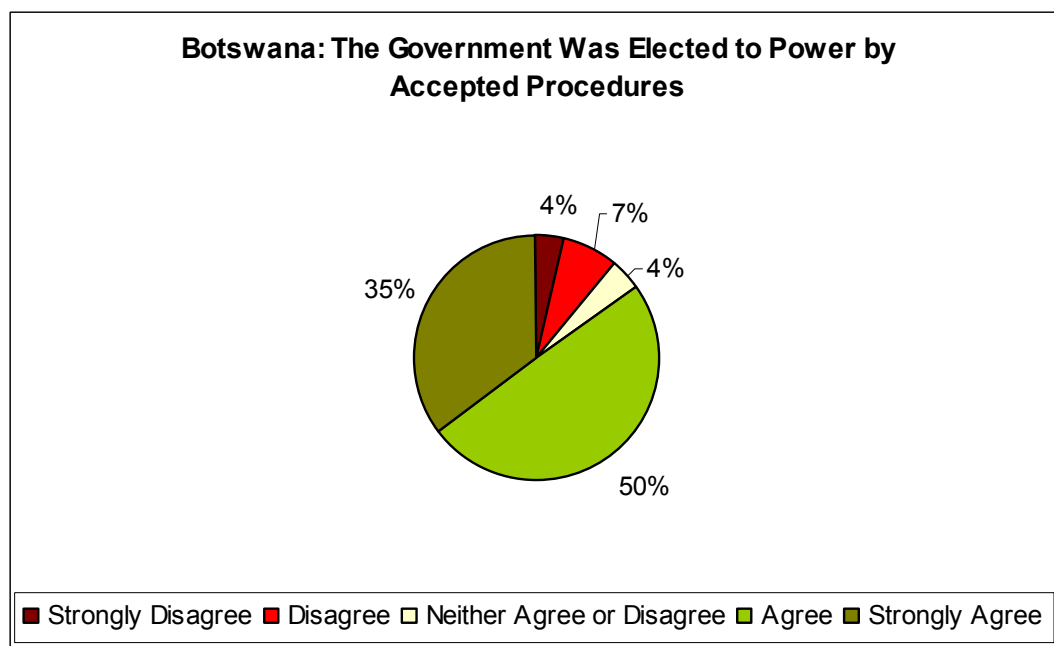


Figure 5.2: Botswana: Election of the Government was by Accepted Procedures

Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

Table 5.7: The Current Government Exercises Power Acceptably

	Namibia	Botswana
Strongly Disagree	24	49
Disagree	113	131
Neither Disagree or Agree	149	101
Agree	536	605
Strongly Agree	296	267

Degrees of freedom: 4 ; Chi-square = 24.24 ;  $p$  is less than or equal to 0.001 ;  
The distribution is significant

Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

distinguishable, it is the state which did not experience the onset of radical, extraordinary politics that usually experienced the lower levels of legitimacy. While this matches the assumptions neither of common wisdom nor the formal hypothesis expostulated by this paper, it remains an important point of order, inferring that we require other methods of legitimacy measurement or that the role of disestablishmentarian elites may be greater than had previously been considered.

One major relevant sector of Afrobarometer data remains to be considered. All the preceding data have been agglomerated attitudinal data measuring the legitimacy of the contemporary political system.

Afrobarometer, playing a scientific Devil's advocate, tests for legitimacy using an alternative method as well: measuring the acceptability of non-orthodox political systems. These questions, while limited in scope and number, do ask something fundamental – if presented with an alternative form of government, would you support it? These questions are interesting because they touch on attitudes that are not repressed, but are dependent on latent ideals such as romanticism.

First, when asked whether or not they would accept a one-party rule as legitimate, 26% of Namibians stated that yes, they would, as opposed to 18% of Botswana (Table 5.8). When asked essentially the same question but with regards to rule by traditional elites, the proportion of Namibians stating yes shot up to 44%, whereas the proportion of Botswana remained the same as in the prior question, 18% (Table 5.9). The proportion of Namibians willing to



Table 5.8: Would You Accept One-Party Rule?

	Namibia	Botswana
Strongly Disapprove	406	555
Disapprove	337	380
Neither Disapprove or Approve	71	27
Approve	215	108
Strongly Approve	62	100

Degrees of freedom: 4 ; Chi-square = 87.14 ;  $p$  is less than or equal to 0.001 ;  
The distribution is significant

Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

Table 5.9 Would You Accept Rule by Traditional Elders?

	Namibia	Botswana
Strongly Disapprove	299	486
Disapprove	343	399
Neither Disapprove or Approve	9	60
Approve	382	143
Strongly Approve	129	68

Degrees of freedom: 4 ; Chi-square = 214.15 ;  $p$  is less than or equal to 0.001  
; The distribution is significant

Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

accept an alternative political system shrank to 25% when asked if they would support military rule as an alternative, but the total number of Botswana who would support the same system shrank even more radically to only 9% (Table 5.10). And similarly, when asked if they would support a presidential monarchy, Namibians agreed that they would at a rate of 27% whereas Botswana did so only at a rate of 7% (Table 5.11).

This data is interesting in two dimensions. First, in and of itself, this data demonstrates that Namibians are far more likely to accept *any* alternative to the current regime and regime-type than Botswana. This data takes on even more significance in comparison the earlier data. It seems that the Namibian people do not hate their political system at any greater frequency than do their peers in Botswana, but they also are far less convinced that their political system is the only legitimate institutional alternative available. The sources of this indifference are not entirely clear, but it seems very likely that it is a dual product of both Namibia's relative youth and Namibia's somewhat more security situation *vis-à-vis* Angola. A secondary source could be the fact that the Namibian state has not successfully co-opted all power away from traditional political units, whereas Botswana has integrated most powerful traditional political systems into its government, presenting them and their adherents with a prisoner's dilemma should they seek to undercut the system – escape could mean losing what influence they currently have.

Table 5.10 Would You Accept Rule by the Military?

	Namibia	Botswana
Strongly Disapprove	376	760
Disapprove	310	259
Neither Disapprove or Approve	128	14
Approve	177	74
Strongly Approve	102	34

Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

Table 5.11: Would You Accept Absolute Rule by the President?

	Namibia	Botswana
Strongly Disapprove	360	674
Disapprove	298	359
Neither Disapprove or Approve	130	34
Approve	199	50
Strongly Approve	83	34

Degrees of freedom: 4 ; Chi-square = 264.29 ;  $p$  is less than or equal to 0.001; The distribution is significant

Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

A key weakness of this data, as already discussed, lies in the lack of time-series data. While we have seen that the first series of indicators discussed do not seem to be relevant for distinguishing states structurally and institutionally predisposed for radical, extraordinary politics that will experience said political transformations from those who will not, this is only when considering them in the static – time-series data, reflecting not simply attitude in the period immediately adjacent to the onset of radical, extraordinary politics, but the changes prior to said onset, could reveal far more utility.

That said, it seems likely that the degree to which a state's population is likely to accept an alternative political system may turn out to be a good predictor of its likelihood to engage in radical, extraordinary politics. Despite the fact that the legitimacy systems of both Namibia and Botswana are arguably weak, the fact that the Batswana do not believe themselves to have any acceptable alternatives may be a or the key difference in the states' comparative political fortunes in the late 1990s/early 21<sup>st</sup> Century.

Of course, we have another dimension to consider before moving, that of the local/ethnic minority homeland level of analysis. To do this, I utilized the same Afrobarometer data at the region specific level, comparing survey results from the North East District (alternatively known in Afrobarometer as the Francistown District) to those of East Caprivi in Namibia on two dimensions: (1) in absolute terms, specifically emphasizing their particular

variance and (2) in relative terms, which is to say in terms of their variance from the state-level of analysis.

Returning to the subject of the whether or not the surveyed population follows politics, a surprising set of patterns seem to be emerging.

Specifically, the Caprivi are not only far more engaged in politics than the average Namibian, but they are far more so than the Kalanga as well, both in absolute and relative terms (Table 5.12). Perhaps then dissociation from the political process does not precede radical disestablishmentarianism, but quite the contrary, a burst of political interest accompanies it. This would infer, of course, that alienation/identity entropy does not necessarily imply disinterest in the political sphere, merely disgust with the *status quo*. Alternatively, it seems that the Kalanga have, consciously or not, elected to withdraw from politics on a day-to-day basis, particularly curious given Werbner's (2004) analysis which emphasizes the political activism of that minority.

Next we turn to the measures of systemic and institutional efficacy, specifically the questions on whether voting makes a difference and whether who is in power has the potential to affect the quality of the political-economy. I began by comparing survey results on whether or not respondents felt like voting made a difference in their quality of life (Table 5.13). The first thing we notice is that in both the cases of Namibia/Caprivi and Botswana/Francistown the variance between the state-level opinions and local-level opinions at the extreme ends of the opinion ranges are relatively similar, though the latter set

Table 5.12: Do You Follow Politics?

	Namibia	East Caprivi	Botswana	North East District
<i>Always/Most of the Time</i>	211 (19%)	8 (11%)	177 (15%)	14 (17%)
<i>Some of the Time</i>	572 (53%)	52 (74%)	274 (24%)	16 (20%)
<i>Only Now &amp; Then</i>	177 (15%)	8 (11%)	250 (22%)	13 (16%)
<i>Hardly At All</i>	141 (13%)	3 (4%)	454 (39%)	38 (47%)

Degrees of freedom: 9 ; Chi-square = 343.00 ;  $p$  is less than or equal to 0.001; The distribution is significant.

Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

Table 5.13: Does Voting Make a Difference?

	Namibia	East Caprivi	Botswana	North East District
<i>Strongly Believe No</i>	208 (19%)	15 (21%)	237 (21%)	17 (19%)
<i>Believe No</i>	228 (21%)	4 (6%)	90 (8%)	10 (11%)
<i>Believe Yes</i>	139 (13%)	17 (24%)	184 (16%)	18 (20%)
<i>Strongly Believe Yes</i>	511 (47%)	36 (49%)	623 (55%)	43 (53%)

Degrees of freedom: 9 ; Chi-square = 95.63 ;  $p$  is less than or equal to 0.001 ; The distribution is significant

Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

is 7-8% more negative than the former. On the other hand, respondents in moderate terms in Caprivi were not only substantially more likely to be optimistic about the possibility that voting will have a positive influence than were Namibians in general both in the abstract and in comparison to the Batswana/North East District instance, but furthermore were absolutely more likely to consider the likelihood that voting would have a positive effect than were Kalanga. These results are inexplicable, especially when we contrast them to the findings on these populations opinions on the possible effects of changing leadership (Table 5.14) where the Caprivi Lozi demonstrate themselves to be substantially more *pessimistic* in relative and absolute terms than the Kalanga (though both ethnic groups are relatively more pessimistic than their states as a whole). Perhaps the first of these questions was misunderstood, or reflects a latent respect for the democratic process, but not for the government in power.

Additionally, in terms of efficacy, the Afrobarometer polled to determine whether their subjects were satisfied with democracy and whether or not they felt that they felt the democratically elected governments of their states exercised power acceptably (see Tables 5.15 and 5.16). Here we see a few patterns that are more explicitly in line with my predicted expectations. First, the East Caprivi are both substantially more negative than the Kalanga with regards to their satisfaction with democracy both absolutely and relative to the state. The degree of difference, in fact, warrants a bit more attention.

Table 5.14: Does Who is in Power Matters?

	Namibia	East Caprivi	Botswana	North East District
Strongly Believe Yes	476 (56%)	8 (12%)	596 (51%)	37 (43%)
Believe Yes	139 (16%)	9 (14%)	225 (20%)	15 (17%)
Believe No	97 (11%)	16 (24%)	71 (6%)	10 (11%)
Strongly Believe No	150 (17%)	33 (50%)	258 (23%)	25 (29%)

Degrees of freedom: 9 ; Chi-square = 94.57 ;  $p$  is less than or equal to 0.001 ; The distribution is significant

Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

Table 5.15: Are You Satisfied with Democracy?

	Namibia	East Caprivi	Botswana	North East District
Very Satisfied	331 (32%)	18 (25%)	384 (33%)	27 (31%)
Fairly Satisfied	417 (39%)	15 (21%)	511 (43%)	42 (47%)
Not Satisfied	229 (22%)	30 (43%)	171 (15%)	13 (15%)
Not at all Satisfied	67 (6%)	8 (11%)	89 (8%)	5 (6%)
State is Not a Democracy	6 (1%)	0 (0%)	9 (1%)	1 (1%)

Degrees of freedom: 12 ; Chi-square = 53.41 ;  $p$  is less than or equal to 0.001; The distribution is significant

Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

Table 5.16: Government Exercises Power Acceptably?

	Namibia	East Caprivi	Botswana	North East District
Strongly Disagree	24 (2%)	4 (6%)	49 (4%)	1 (1%)
Disagree	113 (10%)	10 (14%)	131 (11%)	10 (12%)
Neither Agree nor Disagree	149 (13%)	13 (18%)	101 (9%)	3 (3%)
Agree	536 (49%)	34 (47%)	605 (53%)	54 (63%)
Strongly Agree	296 (26%)	11 (15%)	267 (23%)	18 (21%)

Degrees of freedom: 12 ; Chi-square = 40.83 ;  $p$  is less than or equal to 0.001 ; The distribution is significant

Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)



Batswana are unsatisfied with their democracy at a rate only 23%, while the Kalanga are unsatisfied at a rate even more slight – only 21%. Namibia in general is comparable, weighing in at 28%, significant, but not radically so. East Caprivians, however, were dissatisfied at a rate of 54%, a huge jump relative both to Namibia and the Kalanga. Of course, we can risk overstating the case here. The Caprivi are responding the question, “Overall, how satisfied are you with the way democracy works in Namibia?” This question may carry with it two different meanings, one a judgment on democracy as a system, the other a judgment on democracy as-practiced in the state of the answerer. The difference may be a sign that the Caprivi in general are far more dissatisfied with the contemporary SWAPO-led government, their one-party democracy, than are the Kalanga with the Botswana Democratic Party, or BDP. Of course, this level of dissatisfaction also may capture the Caprivi’s lower sense of loyalty to the democratic process as a whole (see below for more on this).

When we consider, on the other hand, to what degree the Caprivi Lozi and the Kalanga were satisfied with the way in which the government exercises power, we again find something intriguing. The Caprivi are relatively and absolutely more negative than the Kalanga – this is not surprising. But the North East District Kalanga actually approve of the way in which the Batswana government conducts itself at a higher rate than does the nation as a whole! Granted, the difference is very small (only 2%) but is fascinating on the whole, and reflects the degree to which the Kalanga elite

have effectively convinced their people of the propriety of seeking their fortunes *within* Botswana, rather than *in lieu* thereof.

Additionally we can consider whether or not the Caprivi are (relatively) alienated from this polity by looking at measures which capture their opinions on democracy relative to other political systems. Ideally, the Afrobarometer would have surveyed for a rank-order of major institutional arrangements – sadly, this was not the case. In lieu of this we can consider look at the region's (as well as our other geopolitical entities) opinions on alternative political systems. Afrobarometer provides us with four options to consider – formalization of the *de facto* one-party rule present in both Namibia and Botswana, the reestablishment of traditional rule, the establishment of military rule, and the establishment of a presidential monarchy (Figures 5.3-5.16).

Obviously a tremendous number of observations could be made about the variations between the states and regions of concern here along these vectors. Yet a few in particular stand out and, I believe, warrant the most attention.

(1) Respondents from Botswana in general and the North East District in particular approve the non-democratic institutional arrangements for which the polls were conducted at lower frequencies in every case than Namibia and Botswana. Furthermore, they are, in every case, relatively closer to one another in their variance.

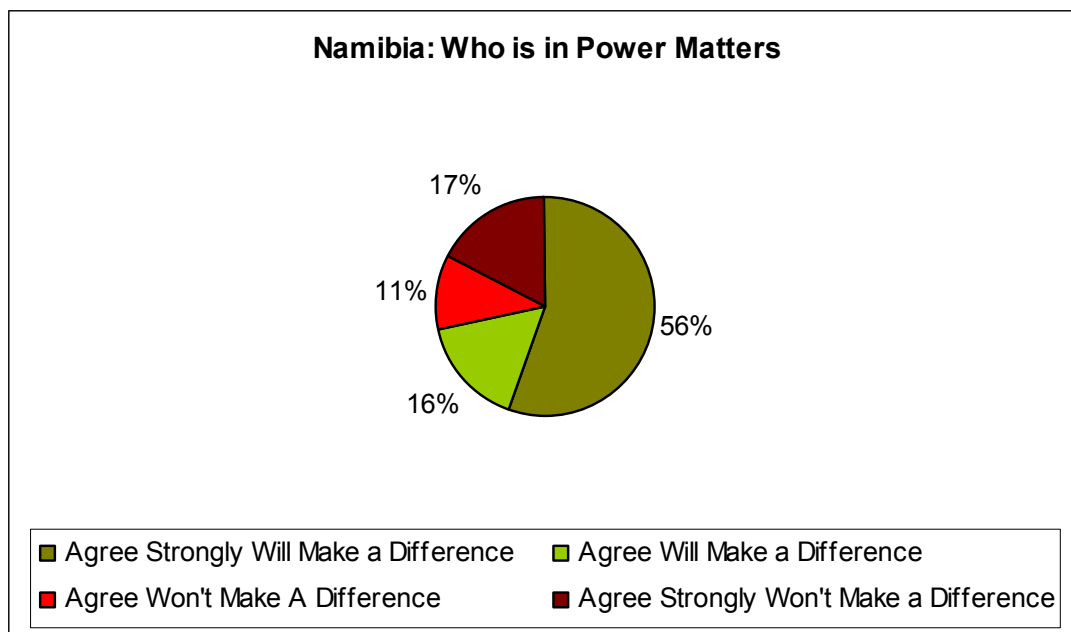


Figure 5.3: Namibia: Who is in Power Matters  
Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

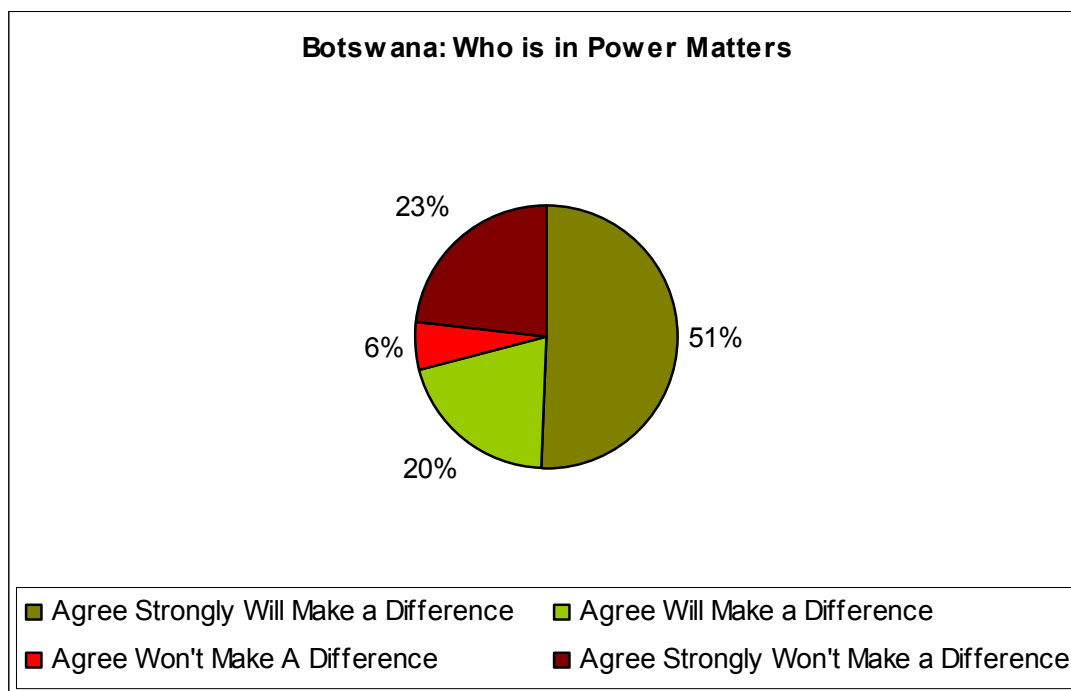


Figure 5.4: Botswana: Who is in Power Matters  
Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

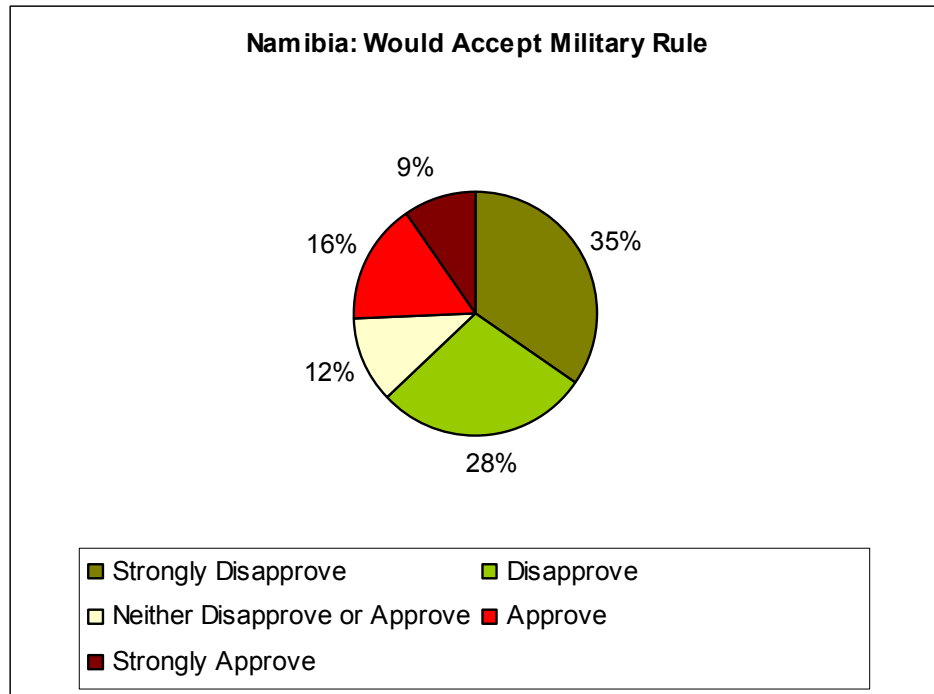


Figure 5.5: Namibia: Would You Accept Military Rule?  
Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

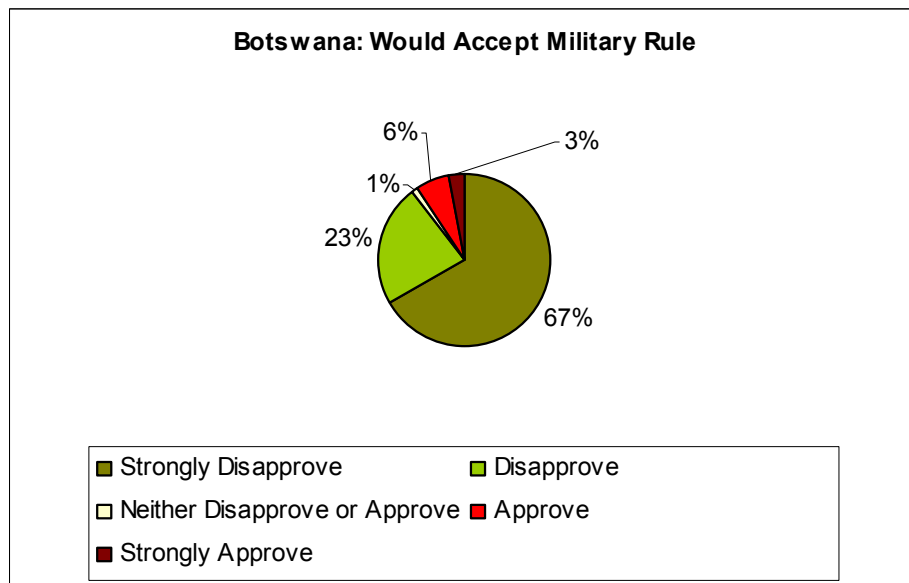


Figure 5.6: Botswana: Would You Accept Military Rule ?  
Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

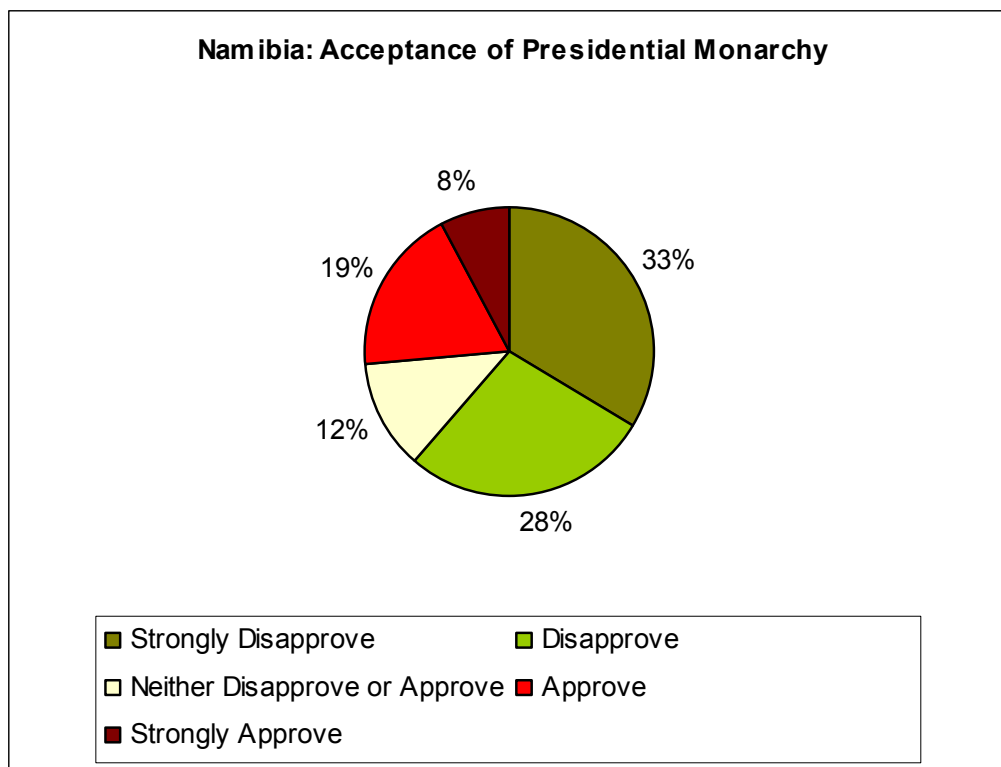


Figure 5.7: Namibia: Would You Accept President-Only Rule?  
Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

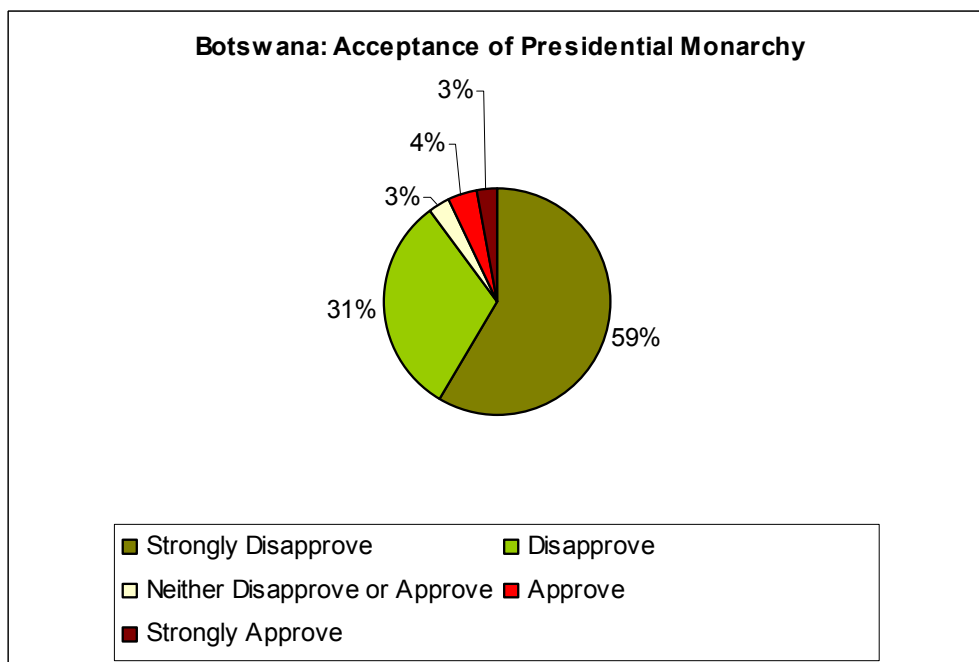


Figure 5.8: Botswana: Would You Accept President-Only Rule?  
Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

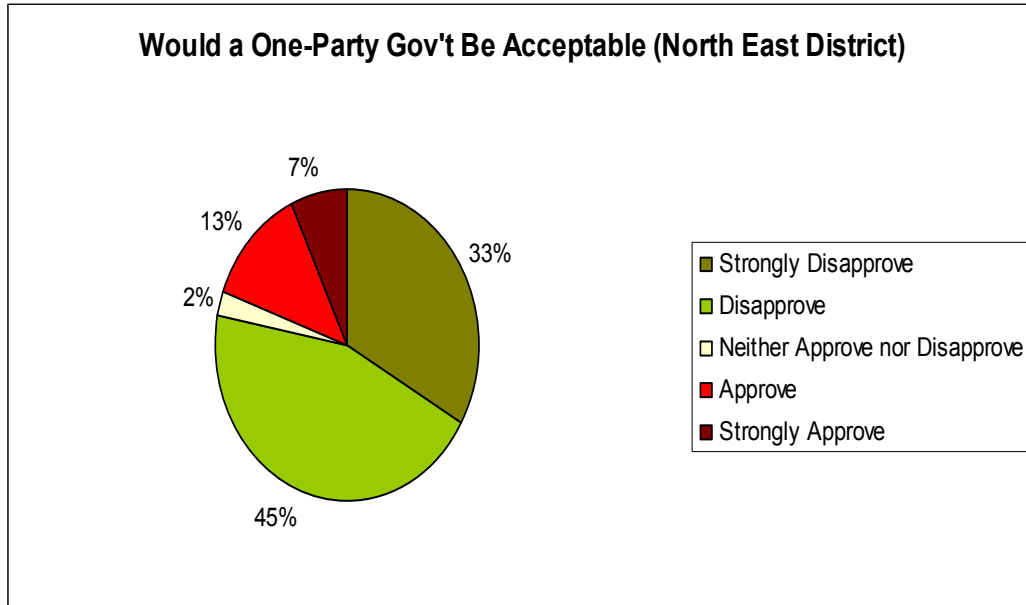


Figure 5.9: Would a One-Party Government be Acceptable in Botswana (North East District)  
Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

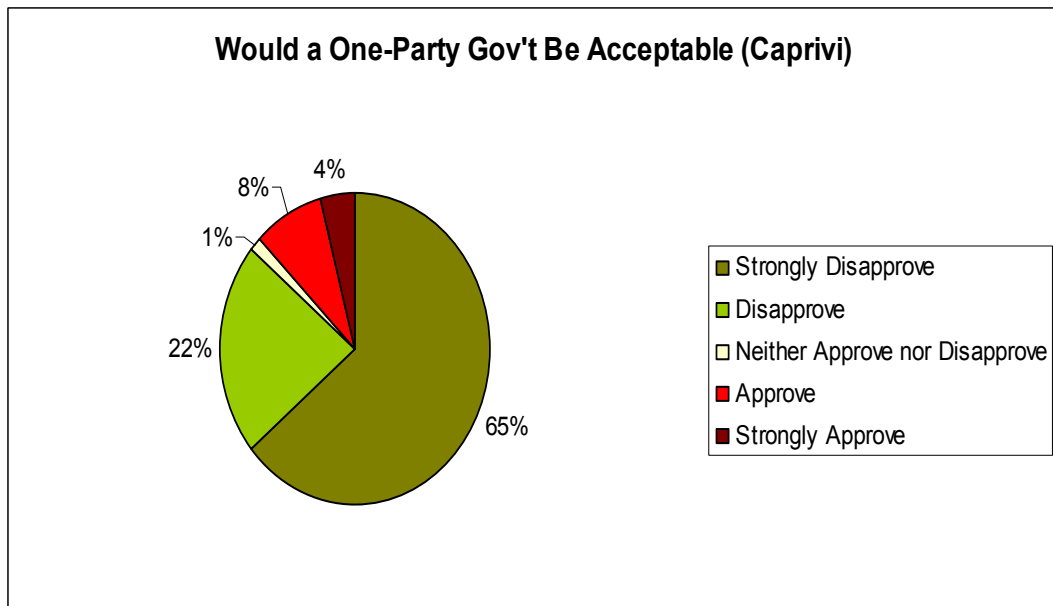


Figure 5.10: Would a One-Party Government be Acceptable in Namibia (East Caprivi)  
Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

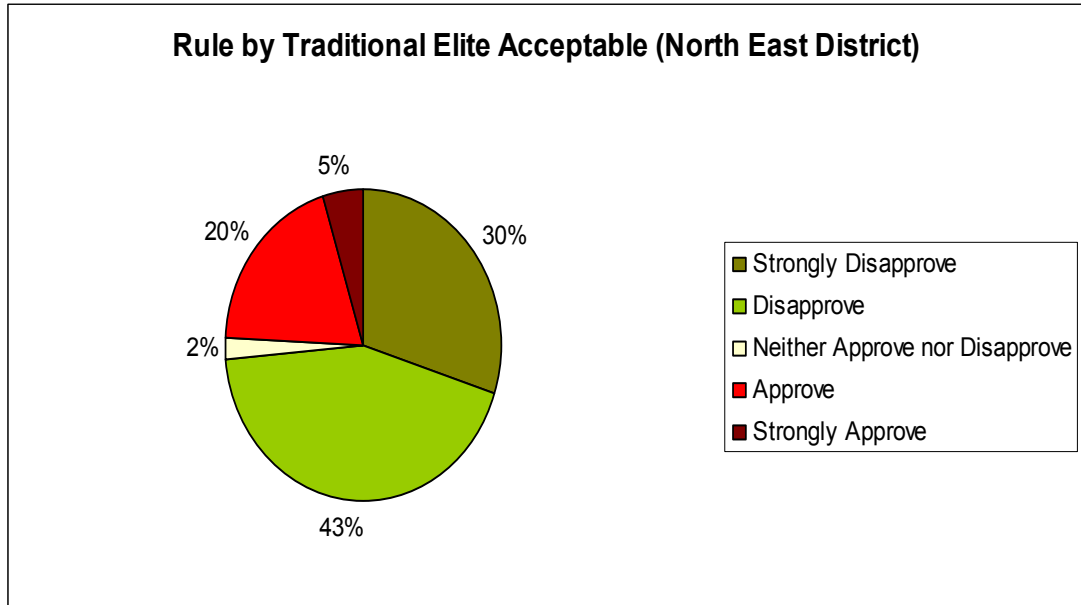


Figure 5.11: Would Rule by Traditional Elite be Acceptable in Botswana (North East District)

Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

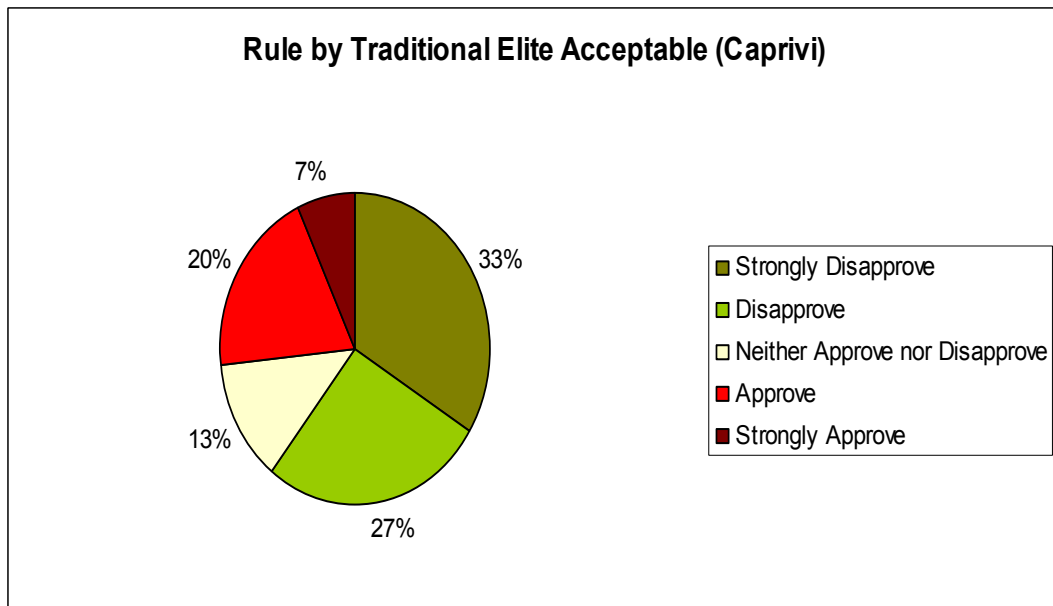


Figure 5.12: Would Rule by Traditional Elite be Acceptable in Namibia (East Caprivi)

Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

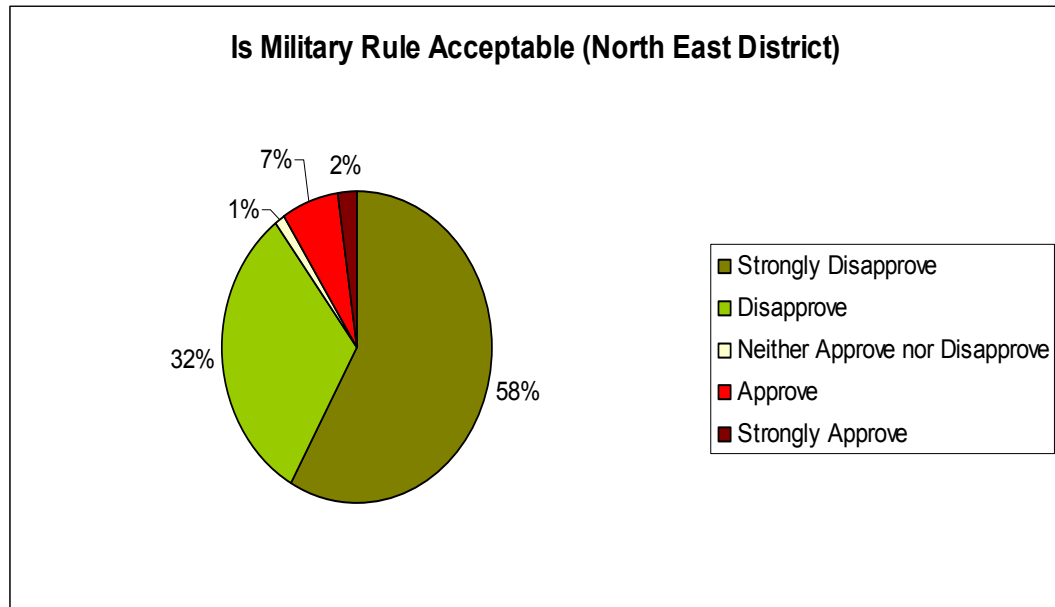


Figure 5.13: Would Military Rule be Acceptable in Botswana? (North East District)  
Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

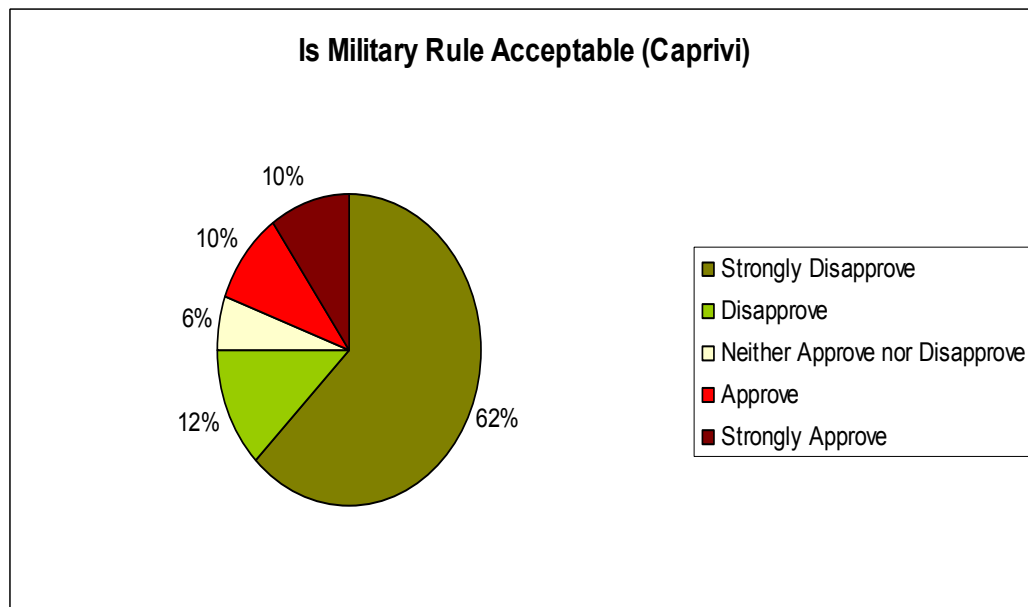


Figure 5.14: Would Military Rule be Acceptable in Namibia? (Caprivi)  
Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)



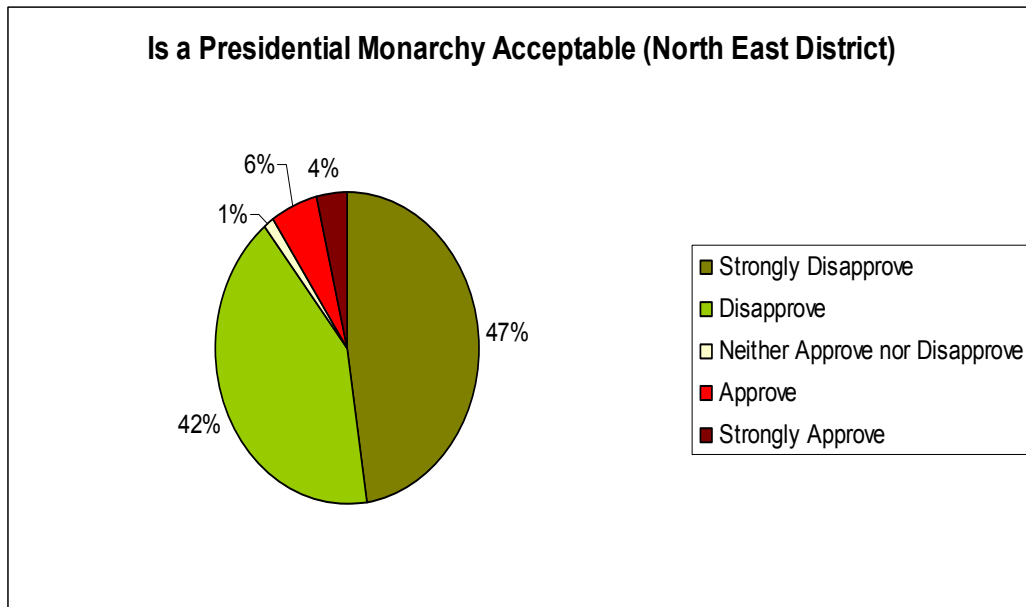


Figure 5.15: Would a Presidential Monarchy be Acceptable in Botswana? (North East District)

Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

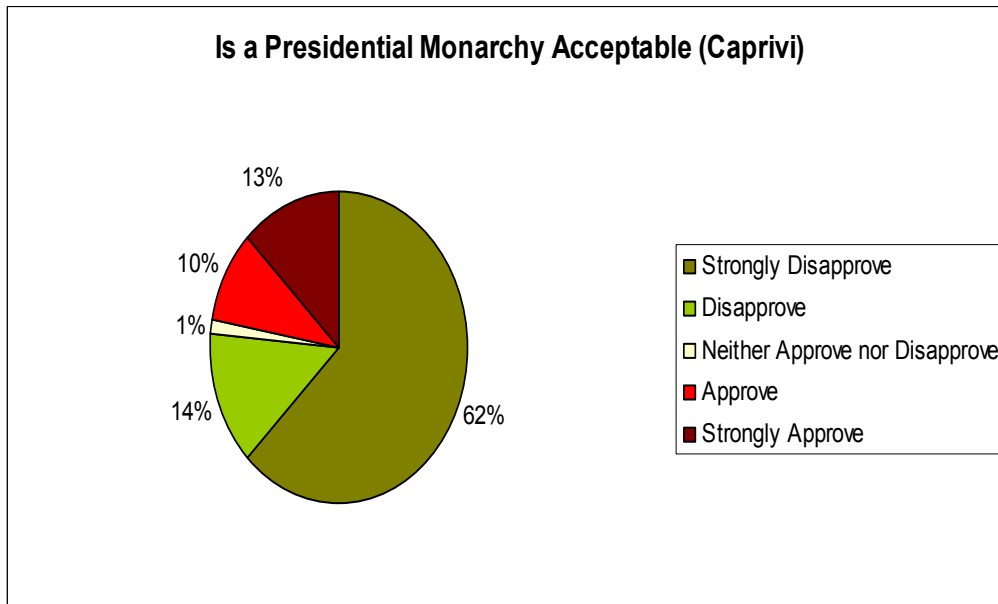


Figure 5.16: Would a Presidential Monarchy be Acceptable in Namibia? (East Caprivi)

Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

(2) Residents of East Caprivi in every instance favored the institution of non-democratic methods of rule at lower frequencies than among the Namibian public at large. The closest the two came was, surprisingly, along the option of president-only rule (4%). Even more surprising, however, was that the point at which the two differed the most was along the option of rule by traditional elites, some 15%, a far cry from what might be expected given that the Caprivi were seeking independence in ethno-nationalist terms.

What does this mean? First, it means, that I was correct in assuming that the degree to which the Caprivi would favor a non-democratic government would be higher than that among the Kalanga. What I did not predict and am, frankly deeply surprised about, is the fact that the Namibians in general were, at the time of the surveys at least, even more amenable to the creation of a non-democratic system of government than were the Caprivi. This seems to indicate, again, that while the Caprivi may have become alienated with the functioning of democracy in the case of Namibia under SWAPO's rule, they seem to have faith in the institutional arrangement at a higher rate than do normal Namibians. One might assume, as well, that this infers that democracy would be perfect in Caprivi eyes if it was democracy for, of, and by Lozi – which of course brings up the question of whether or not the Caprivi conceive of democracy as a competitive system at all.

### *Re-Identification*

Having established that a high level of alienation exists in Namibia in general and Caprivi in particular, it remains to be demonstrated that this identity entropy has been utilized effectively by disestablishmentarian elites. By this I mean it has not yet been demonstrated that disestablishmentarians have effectively taken advantage of the entropy left by the Namibian political-economy's failings to introduce and culture and alternative identity set.

Our expectation would be that the Caprivi rebels would have focused their propaganda efforts at one of two identities: either Lozi/Silozi/Barotse/Itenge or Caprivi. Of course these two concepts are interchangeable to a degree, but the Caprivi identity may be considered a more conservative identity, specifically because it implies that the "nation" in question would be restricted to the boundaries of Lozi territories within the current state of Namibia. On the other hand, any of the Lozi-in-general identities would infer a more pan-Lozi perspective, probably with the goal of reuniting a Greater Barotseland (including territory currently constituting much of the southwestern region of Zambia).

Upon review of the Afrobarometer findings, however, an extremely surprising number of facts emerge. The first of these are the product of one of the survey's core questions (number 83) which reads:

We have spoken to many Namibians and they have all described themselves in different ways. Some people describe

themselves in terms of their language, religion, race, and others describe themselves in economic terms, such as working class, middle class, or a farmer. Besides being a Namibian, which specific group do you feel you belong to first and foremost?

The question then goes on to provide a whole list of options, 101 in fact, from which the respondent was allowed to choose. Two of these options were among those expected above, specifically Silozi and Caprivi. Yet the number of respondents who identified themselves as either of these was surprisingly low. No respondents identified themselves primarily as Silozi and only five as Caprivians, only one of whom actually lived in Caprivi!

What then, were Lozi-speaking Namibians identifying themselves as in 1999? The answer to this question was nearly as surprising as those which proceeded it. Some 69% of respondents living in Caprivi asserted that their primary identity was that of “farmer,” while 6% identified themselves as middle- or working-class. This identification with economic position in and of itself does not make sense, especially given that members of non-Caprivi ethnic groups (notably the Malwe and San) tended to respond with their ethnic identities.

There are three key options for explaining this variance. First, the variance may be a lingering product of the Namibian war of independence, not to mention the ongoing Angolan wars, in which Marxists tended to emphasize class-relations as part of their mobilization means. Secondly, this outcome might be the product of the Caprivi, by and large, being apolitical, at

least in the sense of nationalism. Their high dependence on a traditional political-economy and low economic integration with the national center may simply have resulted in their not considering ethnicity to matter.

I favor a third hypothesis, however. The Afrobarometer surveys were not conducted until 1999, a year after Muyongo and his allies had fled into Botswana. It seems likely then, that most of the Caprivi Lozi who were willing to accept the risk of *openly* admitting that they supported Caprivi secession had already fled the region. This, therefore, undermines our ability to use the surveys to confirm or deny the rise of Caprivi nationalism. I can therefore not confirm my theory, but the conditions under which the survey was conducted disallow our being able to state that the theory was disconfirmed as well. This problem is further complicated by the fact that the Afrobarometer surveys constitute a relatively young research institution. The 1999 surveys, while a significant accomplishment, are also the earliest collection of data on the subject to which we can turn. Thus, we cannot confirm or deny that there was even a swelling of Caprivi nationalism prior to the 1998 exodus.

Before I discuss the importance of this regional data, I would first like to take note of the Afrobarometer's findings regarding the Kalanga, which are quite contrary to what I expected. First, the Kalanga, whose leaders emphasized assimilation (which will be discussed at more length below) into the greater Tswana population from independence until the early 21<sup>st</sup> Century, are far more widely distributed than the Caprivi – substantial populations of Kalanga have migrated into Botswana's Central District (so

many so, in fact, that some less-well researched geographers have actually placed the Kalanga homeland here, rather than in the North East District, alternatively referred to as the Francistown District) and the national capital of Gabrone (Kweneng and the Southwest District also had at least two self-identifying Kalanga). Secondly, and implied in the first statement, Kalanga are far more likely to self-identify themselves as Kalanga than the Caprivi who actually fought the war. This is surprising not only because it seems contradictory to the logic which underpins our understanding of how radical ethnic movements develop, and because this poll precedes the first serious efforts by Kalanga to formally defend their cultural rights in the early 21<sup>st</sup> Century (see Werbner 2004, 38-39).

Specifically, before the popularization of pro-Kalanga culture and language organizations, Werbner (2004) notes that several identity-suppressing behaviors were present among Botswana's Kalanga. Specifically, these are:

(1) Kalanga leaders, as early as the colonial period, actively supported assimilation of the Kalanga with the Tswana majority, even unto sacrificing their language and accepting a constitutional arrangement which explicitly excluded them from any influence in one of the houses of the legislature, the House of Chiefs (see the Political Comparison in Chapter 4 for more on this).

(2) A backlash among Tswana, both popular and elite, began in the 1980s and was severe enough that many Tswana have taken measures as drastic as naming their children with Tswana names in order to avoid active discrimination. This backlash was the product of three accomplishments. First, Kalanga leaders emphasized that their population should seek education (in English and/or Tswana) and ultimately positions in the civil service as far back as during the colonial period. The product of this, ultimately was disproportionate employment in higher education and political representation and influence (a situation not dissimilar from that seen in the United Kingdom, where Scots have long had disproportionate influence). This situation was further exacerbated by the fact that in the 1980s the government of Botswana supported the deep involvement of experienced civil servants in business (similar to the controversial relationship between Japanese civil servants and businessmen during the post-War period), leading the Kalanga to gain disproportionate wealth as well. This backlash is more evident in the rise of Tswana ultranationalist organizations such as *Pitso Ya Batswana* or “Forum of the Tswana) and *Lefatshe Larona* or “Our Country “(Werbner 2004, 52-56, 79).

(3) As part of the backlash against Kalanga success, ultranationalist Tswana attempted to discredit Kalanga ethnic

rights, in particular by asserting that the Kalanga were only a 'visiting people' who had recently immigrated to Tswana territory and were there at the discretion of their Tswana hosts. This false history emphasized in particular the immigration of Kalanga from Rhodesia/Zimbabwe during the transition from colony to state. Kalanga scholars countered this propaganda salvo by demonstrating that their people not only had resided in the territory comprising Botswana for centuries (for a large period of that time ruling a kingdom known as Mambo, which overlapped into present-day Zimbabwe), but furthermore had been there prior to the immigration of Tswana-speakers. This of course only served to inflame anti-Kalanga sentiments (Werbner 2004, 71).

There were, then, at the time of the 1999 polls, substantial push and pull factors to dissuade Kalanga from identifying themselves as Kalanga, ranging from their elites assimilationist tendencies to their fear of discrimination and reprisal. Yet, self-identification seems hardly affected, despite the obvious similarities in the situation of the Kalanga to that of Tutsi in Rwanda, Jews in Germany and Austria in the 19<sup>th</sup> and through the First World War, and overseas Chinese in southeast Asia repeatedly through the last several centuries. This is intriguing, because it would seem to indicate that the Kalanga's behavioral pattern may not be that of a secessionist group, but may



be that of a group on the verge of experiencing extraordinary pressures to either migrate or risk genocide.

In summation, there is little doubt that my expectations that the residents of East Caprivi would observably identify with their ethnicity at a higher rate than the Kalanga residents of the North East District were proven far from correct. Regardless of the reasons, this seriously calls into question the utility of using open self-identification as a tool for violent secession prediction.

## **Unsanctioned Political-Economy**

As has been described earlier, the development of an alternative political-economy is well established in the literature as method utilized by disestablishmentarians; it is a process by which non-state actors begin to acquire the legitimacy of a state, the experience needed to run and organize a state, and the resource base necessary to support a state (and of course, a state-movement). Despite this point, often mentioned by structural and institutional theorists of civil war, there have been few efforts to utilize this dimension as a predictor, or even as an explainer, of the onset of domestic violence. There are two key reasons for this. First and foremost, the relationship of this process to the onset of radical, extraordinary violence of all kinds, including wars of secession, cannot rightly be described as causal – black and gray political-economies certainly do not “cause” revolutions or their kin - and therefore their relationship tends to be underemphasized. I reject

this argument explicitly, assuming that since this sort of resource development system is both rational and common, it should be a correlate of wars of secession and their ilk. The second argument against this sort of inquiry would simply be the difficulty of the undertaking. Grey and black political and economic markets are, of course, illegal in every state in the world – a defining characteristic of these organizations is their hidden nature. In other words, acquiring data on these markets is difficult, likely to be spotty, and so forth. My response to this assertion is that such arguments constitute no valid impediment – difficulty does not equal lacking in utility.

### *Corruption*

To determine the extent to which alternative markets exist is a difficult thing. I decided to start by surveying the literature on black and grey markets in Namibia and Botswana, performing Lexis-Nexis searches on the subject (using the entire Sub-Saharan African category). My searches revealed virtually no articles on the subject – the few that it did uncover focused on gem smuggling in Botswana and these seemed to lack any real relevance to the current study, and I decided to seek potentially useful data in other venues.

In Chapter 4 of this dissertation I discussed the extent to which corruption was present in Namibia and Botswana at the state-level. In both states the popular consensus was that corruption was low. We cannot, however stop there, especially given that our concern is that an alternative

political-economy is constructed within the Caprivi region in particular, rather than in Namibia in general.

I specifically looked at responses by the residents of East Caprivi, Namibia and the North East District (Francistown), Botswana in the 1999 Afrobarometer surveys on two of the corruption questions discussed above at the state-level of analysis. Specifically, these were (1) how frequently were traditional elites believed to be involved in corruption and (2) how many local officials did the respondent believe to be involved in corruption. I selected these measures because of their immediate relevance – corruption among officials with whom the residents interact with on a day-to-day basis should be higher in those states that rebel than in those states which fail to attempt secession given that it is these officials who are in the position to alert the central government of misdeeds and that it is these officials who must be paid off in order to guarantee space for the development of the alternative political-economy, not to mention to support the movement of illicit persons and goods (particularly important for the mobilization discussed below).

If we look at Tables 5.17 and 5.18 we can see immediately, however, that the expected conditions were not, in fact, those that actually prevailed. Quite the contrary, in fact, a few very different patterns seem to have emerged. A few include:

- (1) The lower perceived corruption of traditional leaders, including chiefs, in Namibia relative to Botswana;

Table 5.17: Are Most Traditional Elites Corrupt?

	Namibia	East Caprivi	Botswana	North East District
<i>All, Almost All</i>	25 (4%)	1 (2%)	23 (5%)	1 (3%)
<i>Most</i>	77 (13%)	2 (4%)	120 (23%)	10 (31%)
<i>A Few, Some</i>	193 (32%)	23 (40%)	182 (36%)	12 (38%)
<i>Almost None, None</i>	305 (51%)	31 (54%)	186 (36%)	9 (28%)

Degrees of freedom: 9 ; Chi-square = 46.85 ;  $p$  is less than or equal to 0.001 ;  
The distribution is significant

Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

Table 5.18: Are Most Local Elites Corrupt?

	Namibia	East Caprivi	Botswana	North East District
<i>All, Almost All</i>	38 (5%)	1 (2%)	31 (5%)	3 (6%)
<i>Most</i>	166 (22%)	18 (28%)	210 (31%)	21 (42%)
<i>A Few, Some</i>	312 (42%)	30 (47%)	271 (40%)	19 (38%)
<i>Almost None, None</i>	232 (31%)	15 (23%)	161 (24%)	7 (14%)

Degrees of freedom: 9 ; Chi-square = 27.77 ;  $p$  is less than or equal to 0.01 ;  
The distribution is significant

Source: *Afrobarometer* Surveys (Botswana 1999; Namibia 1999)

- (2) The higher perceived corruption of traditional leaders among the Kalanga relative to the Batswana mainstream; and
- (3) The lower perceived corruption of traditional leaders among the Caprivi relative to the Namibian mainstream; implying of course, that
- (4) The expectation that Caprivi will assert that their traditional leaders are more corrupt vis-à-vis Kalanga leaders was incorrect.

These findings reveal a methodological conundrum that I failed to predict. It reveals that the concept of “corruption” is probably a culturally and politically relativistic one. In this case, for instance, if you are a Caprivi who distrusts your central government and would prefer greater autonomy or independence, actions taken by your elite that might be perceived as corrupt by outsiders may not be perceived as corrupt by you. Alternatively, if you are a Kalanga, a minority in a state in which the constitution enshrines the rights and privileges of the traditional leaders of the majority ethnicity, but not your own, one’s perception of those traditional leaders is very likely to be heavily slanted.

Furthermore, if we focus on the perception of local officials and the degree to which they are corrupt, we can see that:

- (1) East Caprivians perceive local officials of the state to be corrupt more frequently than do Namibians as a whole;

(2) Residents of the North East District perceive local officials of the state to be corrupt more frequently than do Batswana as a whole;

(3) Quite contrary to our expectations, Kalanga perceive local officials of the state to be corrupt at a substantially greater proportion than do Caprivi (by 12%).

Again, my predictions were incorrect. The Kalanga again believe their local government officials to be relatively more corrupt than do the Caprivi. This is less easily understood, especially given that Kalanga elites tend to emphasize Kalanga receive education in order to enter the Batswana civil service, thereby giving them access to business opportunities (Werbner 2004). It is hard to imagine that the Kalanga, in the midst of their success, would perceive their benefits in the system cynically, acknowledging on a mass scale that they are the *beneficiaries* of nepotism, but perhaps this is indeed the case.

This of course highlights a tremendous problem with any attempt to use corruption as a predictor of intrastate violence of any kind, including wars of secession, in a purely theory-driven fashion. Specifically, these cases highlight the fact that corruption is deeply loaded with normative connotations that are culturally and politically specific, necessitating sociohistorical analysis if we are to understand the connotations of these statements.

That said, these cases also illustrate a potential boon to incorporating corruption into our analyses, accepting the necessity of engaging in

sociohistorical analysis. Specifically, it seems that comparing the perceptions of corruption among different political sectors (local elite, national bureaucracies, elected officials, traditional leaders, etc.) within identity groups may be able to inform our understanding of which genre of radical, extraordinary politics said identity group might be most likely to engage in *should* violence break out. Here we see a situation in which traditional leaders in East Caprivi are regarded more kindly by the masses than are state officials – this seems to constitute at least part of an explanation of why the dissatisfied Caprivi sought to engage in an ethnic war of secession, rather than, for instance, a Marxist revolution.

## **Personnel Mobilization**

Direct measures of mobilization (and, as discussed later, resource mobilization) are difficult to come by for the prediction of wars of secession in particular and the onset of radical, extraordinary politics in general for one simple reason – the participants in secessionist and other radical movements have manifest cause for hiding their participation in such movements. Exposure not only could mean imperilment of their lives, property, and freedom, but furthermore would undermine the likelihood that their efforts will be successful. While this presents obvious problems for police and intelligence services, the problems presented to academics depending on unclassified data and with far more limited resources are tremendous.

My research was conducted in the following manner. First, I reviewed every article from 1997 to 1999 in *The Namibian* (the major, independent English-language newspaper of that state) in which the Caprivi region was mentioned, using an embedded Google search engine to review the archives. Second, I used Lexis-Nexis to review every article which mentioned the Caprivi region over the same period of time in the major newspapers of Southern Africa, specifically *The Post of Zambia*, *The Sunday Times*, *The Times of Zambia*, *The Zimbabwe Independent*, *The Zimbabwe Standard*. Third, I used Lexis-Nexis to review several international news sources/services, specifically the Associated Press, the Cable News Network (CNN), *The Christian Science Monitor*, *The Economist*, Gannett Service, the Inter Press Service *The New York Times*, and Xinhua News Agency.

My review of the journalistic sources available, however, revealed that in the case of the Caprivi incident at least, there were at least some sign that a massive personnel mobilization process was underway. The most obvious of these was the mass migration that accompanied Muyongo's flight to Botswana (Wakin 1999). In the simplest of terms, thousands of Caprivi moved across the Botswana-Namibia border in response to then unrealized threats against openly pro-secessionism leadership from President Nujoma. Regardless of how this was accomplished, be it by promises of wealth or political office or claims that the Namibian state would inevitably crush the Caprivi people or by nationalist sentiments, certain key facts were known prior to the onset of violence. Specifically, (1) thousands of people moved across



national borders to a protected zone, responding to the calls of their leadership and (2) hundreds of these were recognizably armed and preparing for resistance (Wakin 1999). In the realm of explanation-only data, several resources indicate that the Caprivi were mobilizing fighters from outside of their borders, specifically from the National Union for the Total Independence of Angola (UNITA) and among extranationals from Zambia who apparently were apparently members of the Barotseland (or Barotese) Patriotic Front (BPF) (Grobler 1999A, McNeil 1999, Shimo and Moyo 1999).

Of additional interest, my review of (list news services) revealed a clear, if underdeveloped, pattern of personnel mobilization that warrants at minimum listing and some minor discussion. I say underdeveloped because not only has there been no in-depth study of the attempted secession (in English, at least) but further the reports on the active participants in the conflict tend to be limited to mere lists, occasionally lists of names with occupations and ages, but never more than this. What we can eke out, at least, are the following statements:

(1) The rebellion was led by several traditional (especially leaders of the three Lozi tribes of Namibia) and elected elites (specifically former members of the Democratic Turnhalle Alliance, or DTA). Chief among these elites was Mishake Muyongo, former leader of the DTA. His chief lieutenants were Chief Boniface Mamili (Mafwe Tribe), and former Caprivi Regional Governor John Mabuku (Wakin 1999).

(2) Most of the non-elite participants (the infantry of the Caprivi Liberation Army) were drawn from state positions in the military, the police, the educational establishment, or other bureaucracies (*The Namibian* 2000)

The Caprivi war of secession, then, was led and fought by people who prior to the Muyongo-inspired exodus, at least, held varying degrees of power in the Namibian state. First among the implications of this could be that only state-office holders in the region had the ability to rationalize risking rebellion. These persons drew their income based on their talents, which of course were transportable, rather than the condition of the average Caprivi, who drew their living, or at least a sizable proportion of it, from their property. Secondly, this mobilization pattern, while lacking any utility as a *predictor* of the Caprivi Liberation Army (CLA) leadership's plan to create an alternative political-economy, is a strong *explainer*. Perhaps few signs of an alternative political-economy were visible in our earlier review of the subject because the strategy selected by the CLA was to merely recruit the local government *in situ* for their purposes. Note in particular that the leaders were drawn from those minor elites who have the capacity and training to use force and those who have the most capacity to indoctrinate – the only other major means of doing so were the primary targets of the CLA's attacks.

With regards to the Kalanga counter-example, little needs to be stated. Kalanga elites definitively emphasized cooperation and negotiation with the state. The only indication that any personnel mobilization is occurring comes

not from journalistic sources but from an academic source, specifically Werbner's review of ultranationalist Tswana accusations that Kalanga cultural organizations such as the Society for the Propagation of the Ikalanga Language (SPIL) are merely recruiting and propaganda tools of the elite who are mobilizing to either takeover Botswana or to establish a new state along the borders of the ancient Mambo kingdom (Werbner 2004, 52-57). Of course, this view cannot be wholly dismissed – the apparent strategy of the CLA testifies to this point in particular.

This perspective even seems to be present, if at a less virulent level, among more mainstream Tswana, for instance President Festus Mogae who, when addressing SPIL called upon the organization to make sure that it avoided packing political content with its cultural work (Werbner 2004, 54). Werbner however, dismisses offhand these assertions, insisting that at most the Kalanga hope to regain their ethnic identity through cultural activities and reinvigorating the Kalanga language. While this may be the case, however, it seems to infer that Kalanga assimilationist ideals are gradually wearing away, and the grounds on which conflict might occur are expanding.

This is potentially a fertile ground for future inquiry. Similar accusations against minorities abound throughout world history, particularly among minorities that make their goal cosmopolitanism. Specifically, some minorities seek to politically and economically assimilate with their majority population while still retaining their own identity along certain key axes (e.g. Jews and Hui Muslims who retain their eating restrictions respectively in the

West and China). While on a day to day basis this strategy decreases the notoriety of those ethnic groups, in the long-term it tends to lend itself to a particular characterization. Specifically, those minorities who elect to use this strategy tend to be seen by conservative, majoritarian zealots as scheming, plotting, and so forth – if they are “keeping secrets” about certain day-to-day activities, how much more likely is it that they are maintaining a secret cabal aimed at disenfranchising or exploiting the majority? This means that these minorities can be used easily, with little evidence (indeed, evidence would be an example that they were not secretive) by said conservatives as a means of gaining support for themselves and their policies without risking alienating members of the majority population. Therefore, it would seem that this policy choice by minorities carries a higher relative likelihood of resulting in either ostracism or genocide comparative to the other major policy choices available along this dimension – full assimilation or avoiding any assimilation. Of course, both of these other choices carry their own costs and risks, notably the complete loss of a socio-economic tradition on the part of the first and a high likelihood of day-to-day discrimination on the part of the second, but the likelihood of distinct behavioral correlations here seems high.

## **Resource Mobilization**

In the first consideration, this dimension of analysis seems elegant enough. Were there signs that the Caprivian elite were taking steps to agglomerate the capital necessary to attempt an act of secession? As with so many

dimensions of analysis, however, once unpacked, complications proliferate. How does one determine whether or not a faction may or may not be arming itself secretly for rebellion? This problem is an elephant in the room.

There are two methods by which I might have approached this conundrum, neither of which is extraordinarily satisfactory. On the one hand, I might have surveyed police and intelligence reports from throughout Namibia and its neighboring states. The resources and foreign language skills for such an undertaking, however, were obviously not at my disposal. On the other hand, I was able to conduct my second method of analysis, a simple review of international journalistic sources that cover southern African, including Namibia, in order to determine (1) if substantial evidence existed that weapons build-ups were occurring in the Caprivi region or among Caprivi secessionists and (2) if that evidence was available publicly in significant quantities prior to the onset of the attempted secession.

My review was conducted using the same sources as my other reviews of news media. First, I reviewed every article from 1997 to 1999 in *The Namibian* (the major, independent English-language newspaper of that state) in which the Caprivi region was mentioned, using an embedded Google search engine to review the archives. Second, I used Lexis-Nexis to review every article which mentioned the Caprivi region over the same period of time in the major newspapers of Southern Africa, specifically *The Post of Zambia*, *The Sunday Times*, *The Times of Zambia*, *The Zimbabwe Independent*, *The Zimbabwe Standard*. Third, I used Lexis-Nexis to review several international

news sources/services, specifically the Associated Press, the Cable News Network (CNN), *The Christian Science Monitor*, *The Economist*, Gannett Service, the Inter Press Service *The New York Times*, and Xinhua News Agency. With regards to this subject, I specifically looked for any information regarding weapons caches, weapons interdiction, and the like. My goal was merely to determine if, temporally prior to the incident, there indications that Caprivi rebels were stockpiling munitions in anticipation of violence.

My review found that not only was there definite, well-publicized evidence that Caprivi secessionists were preparing materially for warfare, but that this preparation had at least three major stages, each of which were publicly documented. The first of these build-up stages occurred in the period leading up to Muyongo's expulsion from the DTA. At an unspecified time prior to the expulsion, perhaps as far back as Muyongo's break with the South-West Africa People's Organisation (SWAPO), Caprivi Lozi seeking independence began stockpiling assault rifles (primarily the ubiquitous AK-47) and mortars (Ilukena 1998a). In the early stages, probably this was funded out of CLA members pockets with the help of South African industrialist and Caprivi sympathizer Erich Zimmerman (Nthengwe 1998). While the route of acquisition for these early weapons is indefinite, the most likely source was Angola's UNITA rebels (Ilukena 1998a). Intriguingly, it was partly the existence of these stockpiles that made Muyongo's call for Caprivi self-determination so inflammatory, thereby provoking President Nujoma to take a hardline against Muyongo and his peers.

The second readily observable stage in the mobilization of war infrastructure among the Caprivi separatists occurred during their exodus to Botswana. In the midst of this flight a high percentage of the “refugees” were interdicted crossing the border with assault rifles and mortars (Mooketsi 1999). Botswana arrested those who were armed and charged them, but soon released them on bail and never followed through with any prosecutions for gun-running, illegal border crossing, or any other charge. While all those weapons interdicted were seized, one can assume that the small number charged compared to the tremendous flow of humanity (less than one hundred people were detained of the over 2,500 who fled) indicates that a substantial quantity of the weapons probably made it across the borders undetected.

The third readily observable stage of weapons mobilization came along with the earliest indications of the CLA’s connections with the BPF and UNITA. There was little doubt from the beginning that the two organizations were not only providing training grounds and at least limited training, but were increasing the stockpile of weapons (Ilukena 1998a, Grobler 1999A, McNeil 1999, Siona 1999).

On the other hand, our control group, the Kalanga, demonstrate no documented similar behavior, be it in academic or journalistic sources. There seem to be no documented cases of either a weapons build-up or any comparable strategic infrastructure development that cannot be explicitly attributed to the assimilationist goals of the Kalanga elite.

## Summary

What conclusions can we draw from the above research? I would like to address this question by tackling each subsection, briefly reviewing the findings, and dispensing some minor judgments as to the quality of my original hypotheses and the implications of my actual findings.

With regards to my work on identity and loyalty, using the Afrobarometer data as the source for the vast majority of my research, a few points are merited. First, the Caprivi do seem to have developed a high level of ambivalence towards the contemporary system, both in terms of the contemporary government and, to a lesser degree, towards the institutional arrangement itself. A substantial proportion of the people of Caprivi do seem dissatisfied with the *status quo*. That said, there is little evidence that any alternative identity was populating the region at the time of the 1999 attempted secession. Quite the contrary, the Caprivi seem to be avoiding political identity entirely, focusing rather on their economic identities instead. Whether this is the product of fears at the time the survey was conducted, a product of self-selection (those Caprivi who thought of themselves as Lozi had already fled the nation), or some other mechanism (or the simple lack thereof) is unclear. It seems at this stage of consideration that ambivalence, rather than (or at the very least concurrent with) the more packed term of



“alienation,” should be explored as a correlate of wars of secession in the future.

This final point takes on particular significance when we contrast the Caprivi experience with that of the Kalanga of Botswana. In this instance we find a minority people who have adopted, quite comfortably, a cosmopolitan understanding of themselves – they are Batswana and Kalanga – and whose perspective towards to the government and its behavior is far less ambivalent, even if it is more complex. The Kalanga seem, at first glance, to meet our understanding of what makes a minority group rebellious – they are well-organized, self-aware, have a distinct homeland, are transnational, and so on – yet they have a distinct and definite non-majority identity in a state that discriminates openly against its minorities and there is no evidence that they now or have ever sought independence. This seems to indicate that ambivalence is the more likely predictor, at least in simple, quantifiable terms.

My search for evidence of the creation of an unsanctioned political-economy turned out to be, in all the dimensions I discussed prior to the study, to be a wild goose chase. No direct evidence of black or grey political or economic markets was visible prior to the onset of violence in August and corruptness, while an interesting vector of analysis, hardly seems to be a good covariate for such a hidden political-economy. This point was pushed home in particular by the fact that corruption is inevitably relative to the position of the person asked about it. If one asks, for instance, are tribal elite corrupt? That depends on whether you are a member of the tribe.

The search I conducted for evidence that personnel were being mobilized uncovered evidence that an alternative political-economy was in the making. The personnel mobilized were recruited, by and large, to fulfill tasks essential to any modern government. The Caprivi resistance was composed primarily of preeminent leaders, police, soldiers, bureaucrats, and teachers, reinforced largely by their family members and students. Of course, no evidence for this was forthcoming prior to the onset of violence (and the capture of many members of the CLA). That said, there is no practical reason why at least some data towards this ends could not have been collected by the United Nations High Commissioner on Refugees (UNHCR) as refugees entered Botswana, thus implying that even if academicians could not have acquired substantial data on the subject, that organization, and possibly certain governmental agencies (particularly of Botswana) could have done so had the political will existed.

The reviews of available journalistic literature for evidence of personnel and resource mobilization, on the other hand, fell more in line with my earlier expectations. Specifically, ample evidence that pro-secessionist Caprivi Lozi were (1) building an army and (2) equipping and training that army were amply available as far as two years prior to the outbreak of violence. While this should have sounded a clarion call to the Namibian state, leading it if nothing else to improve its border security, Nujoma's administration actually withdrew troops from the region during this time. Since the CLA was unable to quickly capture the police and military stations in Katima Mulilo as they had

hoped, this presented no tremendous challenge. Had, on the other hand, they successfully captured either of these facilities, the odds that their numbers, reinforced with an armory, would have at the least have extended their bid for independence, resulting in far more casualties – at the most, they likely would have been able to capture all of their other targets, eliminated ability of the Namibian army to enter the area easily, and perhaps would have been able to draw the United Nations even deeper into the area's politics, specifically on the side of the Caprivi rebels.

This chapter seems to make it clear that the possibility of multinational, possibly quantitative, studies are warranted for three of the subjects herein considered. First, the question of ambivalence, though superior measures should be employed to those I used here. Second, the question of whether or not personnel are being mobilized for a resistance has distinct potential. Here the most likely measures of utility are likely either to be (1) merely a yes/no statement as to whether such mobilization is occurring or, in a more telling measure, (2) a proportional measure using the estimated proportion of the total population mobilized, of instance. The third potentially useful measure lies in evidence that the group is not merely mobilizing personnel but has actually begun acquiring weapons. Again, this may be merely a simple yes/no measure, but alternatively it may be a graded measure, perhaps emphasizing the maximum firepower of known units (assuming, of course, that as the frequency of known large-firepower weapons increase the frequency of smaller firepower weapons will correlatedly increase.

While I can say in simple yes/no terms that the Caprivi were, as I predicted, acquiring the necessary war-making tools for a secession attempt, I have sparse numbers or proportions with which to work. And, indeed, my review of the literature discovered that the CLA probably never felt that it was adequately armed – their plan, as is made clear in post-violence court statements, hinged on their ability to seize the Katima police and military stations, allowing them access to enough weapons to distribute to all of their participants, some of whom entered the fray with only sticks or flailing rods (Menges 2006). When the CLA failed to quickly and successfully storm either station, their rebellion had already failed. For our purposes though, it brings in an interesting and, heretofore, unconsidered point – the threshold for a rebelling group to “have enough weapons” can be transformed according to the strategy of battle selected by disestablishmentarian group. Guerrilla units, for instance, require very little hardware comparative to even ordinary infantry units.

As constraining to our ability to predict as this is, it nonetheless gives us at least an elementary mechanism. Like as not, it seems highly probably that weapons build-ups by disestablishmentarians will generally be visible to at least some degree. This build-up indicates a willingness to incur costs and risks on the part of the disestablishmentarians, on the one hand, and an even simpler truth – disestablishmentarians are considering rebellion, and, of course, considering an attempted secession an option increases the odds it may happen.

## **CHAPTER VI**

### **OPPORTUNITIES AND FLASHPOINTS: THE EFFECTS OF DIVERGENT INTERNAL AND EXTERNAL POLICIES ON NAMIBIA AND BOTSWANA**

According to the model I have developed, once disestablishmentarian elites have effectively mobilized their relative population, one key and essential act remains – they must decide to utilize their forces, both human and instrumental, to attempt to force the dominant state to allow them to exercise their political-economic independence. The question, however, is what are the relevant factors leading to this decision *beyond* the structural-institutional situation and an adequately mobilized population and resource base. I would argue that there are at least three key factors, two of which are largely dependent on the policy decisions of organizations external to the state in question and one of which is dependent on the policy decisions of the state in question's orthodox predominant elite.

#### *Interstate Support for Secession*

First, does it appear that international support, diplomatic and/or material, for secession will be forthcoming? If the international community engages in actions and/or communications which make them believe that support for their cause is forthcoming then they will likely recalculate the costs, benefits, and risks involved in rebellion in such a way that such action is more likely than otherwise. This is dependent on two key factors. On the one hand, the

contemporary interstate system is built at least partially on humanistic concerns. Rebels may believe that they can manipulate this impulse in such a way that, in order to decrease the suffering of their own relevant population, interstate actors will support independence over the maintenance of the contemporary interstate order and identities. On the other hand, in a far more *realpolitick* vein, there are, in every state system, states which recognize that by supporting such movements they have the ability, on occasion, to change their own position in the interstate system.

Specifically, I intend to construct a history of Caprivi rebels in the period immediately preceding the revolution with specific reference to both their relationship with other states and intergovernmental organizations, as well as relevant extra-territorial non-state actors with political, military, or economic capabilities of consequence. I will specifically be looking for indications that real support (in terms of material, arms, territory, troops, and so forth) has been offered and/or given or that rhetorical support has been offered and/or given. International communications which frame the Caprivi situation in a favorable light, particularly from other Lozi-speaking groups, sub-Saharan African states, the United Nations, the African Union, or the great powers are of particular significance.

Additionally I intend to perform a wide review of the history of the post-Cold War reactions of the international system to similar situations to determine if the Caprivi leadership may have been led to expect a radically different international response to their rebellion, particularly if the Namibian

state's response had not been as powerful, single-minded, and frankly effective.

### *Risk Alleviation: Exit-Strategies*

Second, do the elites have a valid exit strategy should they fail? This measure may seem to be in dialectic opposition with the earlier assumption that the state has ultimately backed rebels into a corner, guaranteeing that they no longer have any ability to pursue, via official, peaceful means, the ends of political independence or increased self-rule, but that is not the case. The former speaks to the inability of disestablishmentarian elites to acquire more power *without risk*, whereas this vector speaks of the ability of elites to pursue more power *while decreasing* (personal) *risk*. The difference is perhaps subtle, but real.

I intend to determine, using journalistic and academic resources, if interstate bodies and governments made offers (rhetorical or practical) of sanctuary to disestablishmentarian elites (and, if possible, the masses to whom they cater) prior to the onset of the Caprivi war of secession. I have no particular expectations as to whether or not such offers will be manifest prior in publications prior to the onset of the war, since this again is information which is likely to be held in confidence by disestablishmentarians, however we may see a pattern useful for simple explanation in publications from after the war.

### *Internal Bounds Set by Establishment Elites*

Third, has the dominant system excluded beyond *redemption* the elites of the disestablishmentarian movement from restitution and redemption within the contemporary system?

Political and military theorists dating as far back as Sun Zi (alternatively Tzu or Tsu) have discussed the implications of relatively powerful belligerents limiting the available options to the their weaker antagonists. Specifically, the odds that the weaker belligerent will engage in violence (rather than opting for a strategic retreat of one type or another, including surrender) increases as the available avenues of retreat decrease. A logical and inevitable extension of this premise, noted by Sun Zi himself, is that weak belligerents will inevitably choose to fight if no avenue of retreat remains, and will often fight all the more viciously as a result. In both interstate and intrastate warfare examples of this principle abound – perhaps the most famous of the Twentieth Century being the American refusal to allow the Japanese any type of surrender other than unconditional, extending the war for at least several months (until, of course, the United States demonstrated its nuclear capabilities in Hiroshima and Nagasaki).

The principle here is simply that the state, or rather the state's establishment and orthodox elites, have publicly and actively intimated that reform, negotiation, and mutual accommodation is an impossibility. The effect of cutting off all debate and discussion on the logic of elites is clear – it



eliminates virtually all key arguments for accepting a nonviolent resolution to reigning disputes. This principle is active in the structuralist and institutionalist theories at one level – democracy, capitalism, and so forth allow dominated parties access to the system, the *possibility* of affecting transformation. This increases systemic stability. Here, however, the principle is more nuanced. If in Namibia the democratically elected government made hardline demands and took steps that would, without undermining structural and institutional integrity, eliminate the possibility of accommodation with minority parties demanding more self-rule and/or independence, the odds are that structuralists and institutionalists would foresee no increase in the likelihood of a secession movement. On the other hand, elite theorists would likely assert that such demands substantially transform the logic of elites, increasing the attractiveness of radical action.

To operationalize this I intend to review both academic and journalistic literature and construct a general history of both Namibia's central government's (and the elites thereof) relationship to the Caprivi disestablishmentarians and, for comparison, a similar general history of Botswana's state towards the Kalanga. I assume that the Namibian state will have taken both substantial and rhetorical steps that constrained the options of the Caprivi elite in such a way as to make outright rebellion an rational political behavior, with special reference to the interests and/or needs of the Caprivi disestablishmentarian elites.

## *Summary*

Why these factors? My model is a straightforward one, which precedes temporally after the appearance of an unstable institutional and structural arrangement and concurrent with the mobilization efforts of the disestablishmentarians, including secessionists. Specifically, I assume that external actors have the capacity to both decrease the risks and costs of a decision to engage in a war of secession through their support (in one or more of several ways, to be discussed at far more length below). If they choose to do so, they increase the odds disestablishmentarians will choose to rebel. On the other hand, as internal elites choose to limit the nature and range of discourse with regards to disestablishmentarian interests, they increase the potential benefits of rebellion or secession should it succeed. Radical limitation of discourse, including the suppression of counter-orthodox elites and organizations, should therefore radically increase the odds disestablishmentarians will choose to rebel.

## **Interstate Support**

Ultimately, this vector of analysis is dependent on the fact that rebels, including secessionists, are usually underdogs, with substantially if not radically inferior capital and/or human capital than the establishment from which they hope to withdraw. They are compelled to seek means and methods of offsetting the capabilities of their potential enemies, that is to say

to offset the superiority of their enemies. While there are a number of ways by which this goal may be pursued, arguably the most expedient and historically successful is to draw extra-territorial actors into the conflict. This may be done in a number of ways:

- (1) They may be brought in as negotiators;
- (2) They may be contracted as guarantors of “rules” that weaken the ability of the establishment to undermine the act of secession;
- (3) They may be contracted as providers of material and/or training;
- (4) They may supplement combat personnel, providing of secret or “volunteer” troops; and/or
- (5) They may supplement combat personnel, entering the war as open combatants, forcing the split of resources.

Each of these options, of course, comes packed with its own set of potential benefits, costs, and risks – by and large, as an interstate actor progresses down the list of available options, costs and risks increase. Two additional points demand note here. First, the first two of these options do not require the interstate actor to acknowledge their support of the secessionists. Indeed, it is quite possible that the interstate actors may conceive of themselves as developing *neutral* policies. Neither of these options are, however, neutral in practice. The first of these immediately throws a carrot to secessionists by recognizing that, even if they are not seen (yet) as a state,

they are a valid authority. This may increase the legitimacy of the secessionist movement both internally and externally, and creates opportunities for disestablishmentarians to cut their loss, wait for superior timing, and so forth. The second of these also tends to weaken state actors more than non-state actors. This is because (1) state action is more readily observable in most cases and (2) since the capability of states usually vastly exceeds that of secessionists, the most likely outcome, should the state comply with rules of combat, is that establishment capabilities and disestablishmentarian capabilities tend to converge in relative terms. In addition, it is also important to remember that these options are in no case mutually exclusive. Interstate actors are quite capable of supporting several policies simultaneously, including policies which are mutually contradictory.

### *Types of Actors*

Throughout this dissertation I use the term extra-territorial actors and interstate actors interchangeably. Before continuing I would like to emphasize that the relevant actors need not exclusively be states. The possible actors fall into one of four primary categories. First among these are, of course, states, the primary constituents of the interstate system, the contemporary, monopolistic legitimate wielders of force, and the final vector of control for virtually every resource on earth.

Second are intergovernmental organizations, bodies which exercise some measure of sovereignty and legitimacy, largely at the behest of their

member states. Frequently, these bodies have the ability to create and implement new political and/or economic policies, either independent from their member states or in concordance with them, and in a few cases, in spite of them (e.g. the European Union and the International Court of Justice). Whether they *intend* to surrender power to these organizations, the states which are members of them in point of fact do – and in doing so, accept that these new, semi-independent bureaucracies will inevitably develop their own goals and ends, goals and ends that may violate the foreign policy goals of many, if not most, of their member states to a lesser or greater degree. The United Nations, for instance, may simply be an agglomeration of its near 200 member-states, but there is no question that it exercises a substantial degree of independence.

Third are state-like actors. These are organizations that, like states, claim the right to utilize force in pursuit of their political goals, but, unlike states, have far more fluid territorial, population, and/or legitimacy bases. Specifically, I refer here to ‘rebel’ organizations (e.g. the National Union for the Total Independence of Angola or UNITA in Angola) and to bodies which are states in all but name and/or international recognition (e.g. Puntland or Somaliland, on the Horn of Africa).

Fourth are non-state actors. Like states and state-like actors, these organizations tend to have access to substantial resources, be it capital, labor, legitimacy, or a measure of all three. Unlike their peer groups, however, these groups make no claim to sovereignty, borrowed or otherwise.

Most of these organizations fall into two general categories. Chief among their number are nongovernmental organizations (interstate non-profit organizations) and transnational corporations (interstate profit-oriented organizations). That said, the bureaucracies and advocates of the various organized religious orders as well as the small (but growing) number of transnational labor unions also wield some limited, but real, influence.

### *Methodology*

My review of the role of extra-territorial actors in fomenting the war of secession in East Caprivi is a relatively straightforward one. First, I reviewed every article from 1997 to 1999 in *The Namibian* (the major, independent English-language newspaper of that state) in which the Caprivi region was mentioned, using an embedded Google search engine to review the archives. Second, I used Lexis-Nexis to review every article which mentioned the Caprivi region over the same period of time in the major newspapers of Southern Africa, specifically *The Post of Zambia*, *The Sunday Times*, *The Times of Zambia*, *The Zimbabwe Independent*, *The Zimbabwe Standard*. Third, I used Lexis-Nexis to review several international news sources/services, specifically the Associated Press, the Cable News Network (CNN), *The Christian Science Monitor*, *The Economist*, Gannett Service, the Inter Press Service *The New York Times*, and Xinhua News Agency. My research focused on one simple task – I sought to put together a socio-historical account of the relationships between the Caprivi Liberation Army

(CLA) and other actors, regional and global, to determine whether or not particular foreign policy decisions can be linked to convincing the Caprivi elite to mobilize and utilize their forces.

### *States*

There is little or no evidence, either prior to or after the Caprivi rebellion, that any government formally assisted the Caprivi Liberation Army with weapons or munitions. Nor is there any evidence that any state formally encouraged the attempted secession in formal statements or through secret treaties.

There are, however, three instances of states, or at least the representatives of states, acting in such a manner and form that they might be taken as implicitly supporting rebellion. These states are Botswana, Zambia, and most surprisingly, Denmark.

Botswana's encouragement of rebellion, if it can properly be called that, lay in its willingness to accept Caprivi refugees after only brief questioning and internment (Malema 1998). Granted, these refugees were interned in formal camps, but the camps borders were only loosely maintained and escape into unmanaged territories was a relatively simple task.

Why might accepting the refugees have been considered an act of implicit support? There are several reasons. First, those persons who fled to Botswana did so in response to Namibian governmental communications which indicated that they were about to begin prosecuting rebel leaders – the

implication is that the refugee population, at least in large part, was composed to secessionists and persons who supported secessionists. Secondly, Botswana made few efforts to filter out secessionist elites, the disestablishmentarians most responsible for the crisis, much to the chagrin of Namibia. The only instance of any efforts on the part of the Botswana government to interdict the rebel elite that I found in my research I found in an article of December 3, 1998 entitled "Mishake Muyongo out on bail" (NAMPA/SAPA/AFP 2000). Of the first 600 or so refugees entering Botswana, approximately 100, suspected of being leaders and active combatants, were arrested upon their entry, including the predominant CLA leader Muyongo. Almost immediately, however, these persons were released on bail and allowed to rejoin their peers at the Dukwe (or Dukwi) refugee camp, and none ever faced a trial for their illegal entry. (*Associated Press* 1999A, Mooketsi 1999, Wakin 1999)

This point is only further emphasized by the fact that the Botswana government allowed Muyongo, the predominant leader of the CLA, to flee to Denmark where he received asylum (see below for more information). Third, the Botswana government made no real effort to prevent the mobilization and arming of the CLA within their borders, including allowing the refugees to carry assault rifles with them into the camps, though the first several hundred were briefly arrested and presented for trial before being released indefinitely on bail (Mooketsi 1999). The sum of all these actions and omissions had the practical effect of providing the Caprivi rebels with both an initial staging



ground (from which to recruit and transfer soldiers for training to Zambia) and an ideal retreat point to fall-back to in the event of failure. Unquestionably we can assume that this series of policies, whether intended to support the rebellion or not, had the effect of doing so.

What motivations might the Batswana government have for taking such a stance? Beyond humanitarian empathy for the plight of refugees in general (Botswana has a history, of instance, of sheltering thousands of refugees from Angola and other relatively nearby states), only one in stands out. In the years preceding the Caprivi war Botswana and Namibia had been in dispute over whether or not a small island, Kasikili/Sedudu/Situngu, that lay approximately half-way between the two states in the Linyanti River that makes up part of the border between the two states. The dispute was minimally salient, however, and farmers from both states had used the island occasionally during those periods when it wasn't submerged beneath the surface of the river (Wakin 1999). That was, at least, until February of 1998 when Batswana forces took the island and expelled farmers from Namibia, and later to allow Namibian statesmen to enter and survey the territory (Mooketsi and Shigwedha 1998). While there were reports of some injuries, the incident was apparently accompanied by no deaths. That said, it apparently increased tensions between the states substantially (Mooketsi 1999).

Of course, the event was never accompanied by an arms race, secondary skirmishes, or even serious troop movements and Botswana and

Namibia agreed to submit the dispute to the International Court of Justice (which ultimately found, in December of 1999, that the island was the sovereign territory of Botswana). That said, event unquestionably increased tensions between the states and the Botswana government may have taken their lackadaisical stance towards dealing with the Caprivi Lozi refugees as a jab at Nujoma or, in a *realpolitick* vein, they may have seen the manipulation of the Caprivi refugees as a potential negotiating chit.

In the case of Zambia, there are two key points at which we may talk about state (rather than non-state actors) supporting the Caprivi cause. First among these is the simple point that the Zambian government made little or no apparent effort to seek out and eliminate the Barotse Patriotic Front (BPF) bases at which the CLA was training and arming its troops. I am hesitant to overemphasize this point, however, given the potential problems of demonstrating that the CLA's elites perceived this action as such. What is more definite, however, is the explicit support a minority party leader, Akashambatwa Lewanika of the Agenda for Zambia (affiliated but separate from the BPF), provided for the CLA movement in an interview with a state-owned newspaper, *The Times of Zambia* (quoted here from *The Namibian*):

We are one people with the people of Caprivi Strip, whose proper name is Itengi. The Zambezi River (boundary between Zambia and Namibia) has never been an iron curtain. We do not accept the colonial boundaries as God-given, and we demand a

review of the African practices that have used national unity to suppress others. (Mfula 1998)

While this moral support hardly calls for the explicit use of violence to reconstitute “Itengi,” and indeed calls for formal proceedings to take place, it unquestionably supports the principles of the Caprivi secessionists.

Finally, the Danish government may be regarded as implying support (or at least, as discussed elsewhere, providing an exit strategy to disestablishmentarian elites) prior to the onset of violence through their willingness to provide sanctuary to Muyongo. Indeed, despite attacks on the Danish consulate, the government of Denmark not only refused to revoke Muyongo’s refugee status (he is still in Denmark to this day), but furthermore it declared that the only way they would even consider allowing Muyongo to be tried would be within their borders. Granted, these statements on the nature of Muyongo’s refugee status came after the conflict, but their firmness indicates that they are probably echoes of earlier promises made to Muyongo and those of his peers who fled with him prior to traveling to Europe.

### *Intergovernmental Organizations*

In the light of the current international debates as to the efficacy of the United Nations (UN) as a body in dealing with intrastate and interstate violence, imagining that a group of rebels’ expectations of UN action might play a causal role in determining their behavior may seem surprising. Yet, I would argue that just such an expectation set played an essential role in bounding

the rationale of the CLA elite, convincing them that they could expect a very particular outcome which, ultimately, would favor their position.

The United Nations, or more specifically the United Nations High Commissioner on Refugees (UNHCR), played a functional role in the East Caprivi revolt that parallels that, or perhaps more properly reinforced that of the government of Botswana.

Perhaps the best place to start is with a review of the history of the UNHCR's involvement on the Namibian/Batswana borders. Over the course of the Cold War, throughout most of which the South African government attempted to maintain its power against the South-West African People's Organization (SWAPO), displacement of peoples remained at relatively low levels (relative to that found in other regions of Africa). Even so, around 2,400 (as well as small numbers of refugees from other states, including Angola, Burundi, and Zaire/the Democratic Republic of Congo) people from Southwest Africa became refugees in Botswana, primarily at the Dukwe camp. Of course, this population was dwarfed by another nearby displacement. Over 32,000 Angolans resided at the time the camps of Meheba and Mayukwayukwa in Zambia. (UNHCR 1999a)

Upon Southwest Africa/Namibia's independence from South Africa the UNHCR and Botswana, noting that the state was stabilizing rapidly, began repatriating displaced persons from the Dukwe camp – by 1999 1,300 Namibians had returned to their homes (UNHCR 1999a). Yet with the beginning of political dissension in Namibia between pro-Caprivi

independence supporters (notably Muyongo) and those opposed to such a move, the tide began to reverse. This reversal turned into a flood when Namibia's president, Sam Nujoma accused Muyongo and his peers, saying:

“They have committed a serious act of treason and cold-blooded murder in the Republic of Namibia. We will not allow them to get off scot-free this time. They have violated the constitution, broken the laws of the land, disturbed the peace and social harmony and armed themselves against the government and the Namibian people as a whole. We will make them pay for this . . . ” (Mujuda 1998)

By the time of the Caprivian revolt the number of Namibians in Dukwe numbered between 2,220 and 2,500 and the UNHCR had shut off all voluntary and involuntary repatriation (UNHCR 2000a). Furthermore, the UNHCR, in an attempt to limit violence, repatriated as many strategic leaders of the Caprivi independence movement in third-party states (notably Denmark) as possible, assuming that such an action would decrease pro-independence movements, set the minds of Namibian officials at ease, and generally help to decrease tensions (UNHCR 1999a).

All of the UNHCR's efforts were noble in sentiment, but their work, frankly, increased the likelihood of war in numerous ways. First, by guaranteeing the sanctity of the Dukwe camp from Namibian incursions and discouraging Botswana efforts to deport actual combatants from the camp, the UNHCR essentially sanctioned the rear operational zone of the Caprivi

rebels. As unpalatable as it may have been, there is little doubt that had the Namibian state been able to enter the Dukwe camp and remove the predominant leaders (especially Muyongo) from their populations, the odds of civil war would have decreased radically, if not to infinitesimal proportions. Furthermore, by helping to repatriate Caprivi secessionist elites the UNHCR transformed the risks associated with a war of secession for those leaders – war now existed largely as a rational opportunity, as most costs and risks had been effectively eliminated.

In the 1990s the United Nations (and associated key states and other IGOs, notably the North Atlantic Treaty Organization) set a series of precedents which further transformed the environment in which the Caprivi secessionists were operating in such a manner as to increase the odds they would attempt violent insurrection. Specifically, I refer to both the kind of peace-keeping operations which had dominated the international scene and the tone negotiations took after these operations had succeeded (or, in some cases, merely after violence had subsided).

Peacekeeping operations of the 1990s by and large fell into two categories. The first of these were those operations which mitigated ethnic civil wars, the most visible of which were the various UN-initiated, NATO-led operations in the states that formerly composed Yugoslavia, though another significant (though ironically, contemporarily failing) effort of this sort transpired in nearby Angola. Additionally, there were the highly visible efforts

to 'clean up' after genocides, the most notable of which occurred in the wake of the Rwandan genocides and, again, the genocides of Bosnia.

In other words, most of those United Nations activities of post-Cold War that dealt with intrastate violence were instances of ethnic conflict. Of further importance to the rationale of the Caprivi, however, was that the United Nations in every instance explicitly took the position of defending minority rights, either helping them to gain sovereignty or radically increasing their power vis-à-vis the majority population. In many instances this involved the United Nations sanctioning the partition of rebelling areas from their hereto prior states, whereas in others the result was effective sovereignty within the bounds of their states. The precedent even, it should be said, strayed outside of the realm of purely internal conflict, as in the establishment of no-fly zones in northern Iraq which rendered the area an effectively independent "Kurdistan." (CITE)

There is evidence that the Caprivi rebels did not assume that the UN would become involved in the situation; there is also, however, an awareness that they specifically designed the war in such a way that they felt the United Nations would be drawn into the conflict on the side of the initiating Lozi combatants. This evidence comes in three forms. First, in the post-war period there were statements by captured minor elites asserting that this strategy was central to their plan – they sought to gain independence by focusing interstate attention on the plight of Caprivi Lozi, thereby forcing the Namibian government into making substantial concessions. Of course, these

concessions would then be guaranteed by the interstate community (*Economist* 1999). Secondly, the attack was specifically timed to coincide with a period in which Namibia would hold several key offices in the United Nations, increasing the state's visibility in the body substantially (Amupadhi 1999). Finally, the strategy of the attacks was not to take control of and hold the entire state, nor was it to begin a guerilla/terrorist war of attrition. Rather, the strategy was to take control of key strategic sites, emphasizing in particular communications facilities. The most important of these targets, for instance, was the Namibian Broadcasting Corporation (NBC) office in Caprivi's capital of Katima Mulilo (Grobler 1999). The obvious reason for this strategy, which emphasized minimizing casualties inflicted on establishment elites and noncombatants, the Caprivi could make their point while retaining a moral high ground. Any violent government action, then, would serve to reinforce their status as an oppressed people deserving of interstate attention.

Of course, while the Caprivi rebels were successful in drawing some interstate attention to their cause, they succeeded in doing so only once the rebels had largely fled Namibia or been imprisoned. Had they successfully seized the weapon caches in the Katima police and military stations, the outcome might have been dramatically different. Thus, while Namibia drew some, brief reprobation from the interstate community, the rebels had no ground from which to negotiate from, and their rebellion was essentially stillborn.



### *State-Like Organizations*

Namibia's social profile is hardly unique in Africa. As in most of the states south of the Sahara on the continent, borders are more a product of late 19<sup>th</sup> and early 20<sup>th</sup> Century inter-European machinations than of indigenous interstate or intertribal politics. The result is blasphemous to those who advocate nationalism and the nation-state. Nations cross borders as often as not, and their straddling of these borders leads not only to broken political identities, but broken political economies and political geographies as well. Fearing continent-wide warfare, post-colonial African leaders have generally agreed to maintain the European-set boundaries, but the products have been less than stable.

This said, the presence of Lozi-speakers in numerous states (in particular Zambia and Namibia and, to a lesser extent Botswana, Angola, and Zimbabwe) is a classic example of the conundrum. In each state they are a minority, but in each state they dominate their local political geography (Caprivi in Namibia, in Barotseland in the Southern and Western Provinces of Zambia, and Matabeleland North in Zimbabwe) (Gordon 2005). The product of this is both a high degree of cultural isolation from the "national" culture as well as a rational (and tempting) potential homeland.

That secessionist groups should appear in each of the states containing the Lozi is unsurprising. The primary focus of this dissertation, the Caprivi Liberation Army (CLA), of course developed in the East Caprivi region

of Namibia. Our questions here then are (1) whether or not pan-Lozi organizations developed independently outside of Namibia and (2) whether or not said organization or organizations sought to aid the CLA, (3) if so, how, and finally (4) was this evident prior to the rebellion?

The answer to the first question is a simple one: yes. The Barotse Patriotic Front (BPF), founded an indeterminate time before the CLA and a secret arm of the Agenda for Zambia party, sought to support the secession movement from relatively early on (Grobler 1999A). All indications point to at least three types of support being provided, though the evidence is limited for the latter two, entirely expected given the nature of the events being considered here. In order of definitiveness, we can say first and definitely that the BPF and its public face, the Agenda for Zambia party, provided substantial moral support to the CLA, releasing numerous press releases in the period immediately preceding and during the East Caprivi rebellion (Jere 1998, Shimo 1999, *Times of Zambia* 1999).

Second, it seems almost definite that the BPF was essential in providing the CLA's raw recruits with both training grounds and the material of war. From all evidence (Menges 2004) it seems that troops were drawn from the Lozi nationalists that had fled to Botswana. These troops were specifically selected, we can assume for their particular strategic and/or tactical potential, by CLA committees that acted as the *de facto* government in the Batswana refugee camps. Once individuals were chosen as troops, these troops were then smuggled out of the refugee camps in into Zambia,

where they were outfitted trained by the BPF and UNITA (for more on UNITA see below). Finally, in the days immediately preceding the attempted secession, CLA troops were smuggled back into Namibia so that they would be in place to foment the secession.

Third and finally, some sources allude to the fact that at least some volunteer BPF fighters joined CLA troops in August of 1999 (Shimo and Moyo 1999). While this is not definite, the significant number of “illegal alien” fighters who could not be linked directly to UNITA and who were from Botswana and other neighboring states seems to indicate that this was the case.

The question remains, however, whether or not statesmen (or we humble scholars) could have known any of this prior to the onset of the conflagration. My search of the digital records of *The Namibian* specifically revealed that there were at least some indications that the connection between Barotse separatists and Caprivi separatists were engaged in joint planning. Three articles specifically mention the connection in fact (one from November 13, 1998, one from five days later, and one from December 3, 1998). The sentiment is perhaps best demonstrated in the following quote from the second of the three articles:

We are one people with the people of Caprivi Strip, whose proper name is Itengi. The Zambezi River (boundary between Zambia and Namibia) has never been an iron curtain. We do not accept the colonial boundaries as God-given, and we demand a

review of the African practices that have used national unity to suppress others. (Mfula 1998)

This statement, intriguingly, reflects the nuances of the pan-Lozi independence movements. There is a recognition that their drive for independence is specifically mired in the institutions and structures of the African interstate system, not just national systems, necessitating international attention be involved in civil disputes (Ilukena 1998b, Inambao 1998b, NAMPA/SAPA/AFP 1998)

A second state-like organization that seems to have supported the Caprivi secessionist rebellion of 1999 was UNITA, or National Union for the Total Independence of Angola, a decades-old rebel organization of Angola. UNITA almost unquestionably supplied arms to the CLA (Grobler 1999a, McNeil 1999), and seems very likely that they supplied training and troops as well (Inambao 1998b). The effect would be to substantially increase the perceived capabilities of CLA (in several instances, it would later emerge, the weapons provided were of inferior quality and failed to work properly on the battlefield, see, for instance, Grobler 1999B), both in terms of experience and simple fighting capacity. It would also increase the proportion of the Namibian border the CLA would have access to from the outside. As for UNITA, the utility having an independent ally (or even a neutral party) on the border of Angola would have likely been motivation enough for supporting the CLA. Besides that, UNITA was equipped with a surplus of weapons (they

were, according to one source, selling assault rifles for as cheaply as a 10-kilogram bag of corn from. (Ilukena 1998a).

## **Exit Strategies**

What constitutes an exit strategy? In the simplest of terms, one would expect it to be a strategic backdoor that would allow the participants in a conflagration a means of escaping some or most of the costs of failure. They matter, I argue, because they have the ability to substantially decrease the risks involved in participating in a war of secession, or, for that matter, any other type of radical, disestablishmentarian behavior. They do so not by decreasing the costs of participation in the event of success, nor by increasing the potential benefits of a successful war of secession, but by decreasing the potential costs, that is to say the risks, associated with such a war in the event of failure. In the absence of a valid exit strategy the participants in a war of secession can expect only one of two possible outcomes: to great victory wearing laurels or failure wearing noose. The potential benefits, then, are high, but so are the risks. Exit strategies, however, give participants the ability to run away, be it to fight another day or merely to pursue another life.

A point of order is called for here, with regards to the cross-over of factors here with those discussed in the subsection of this dissertation on transnational support (implied and explicit) for secessionist. We must assume that, given that disestablishmentarians feel that the extremely risky act of

attempted secession is a necessary act, they feel that strategies of coexistence *within* the state at hand are few – the assumption then, is that expected exit strategies will always involve interstate actors (save, perhaps, in states which lack true internal sovereignty, such as Somalia).

A key question of degree, of course, is whether the sanctuary involved in a given exit strategy hold for the entire fighting population or simply for the secessionist elites. While I have no reason to expect a regularity in the distribution of these two varieties of sanctuary, nor the shades between them, a correlation can be expected to exist between the proportion of the rebelling population expecting sanctuary in the event of failure and the likelihood that war of secession will actually occur. In other words, the greater the breadth and depth of the expected exit strategy, the greater the likelihood of a war of secession.

Our first question, then, is did the Caprivi rebel elites believe they had and/or have a valid exit strategy prior to the onset of their rebellion attempt? As the earlier discussion on the role explicit and implicit transnational support played in increasing the rational utility of a war of secession in Caprivi made clear, there were numerous corridors for retreat provided by the international community, some intentional (which seem by and large to have failed) and some unintentional (which seem to have been exploited extremely effectively by the Caprivi rebels). I would like to revisit each of these corridors briefly and discuss their relative importance.

### *The Batswana Corridor*

The first line of retreat for the Caprivi rebels was a simple withdrawal back across national boundaries into Botswana, back into the Dukwe refugee camp, which was administered jointly by the United Nations High Commissioner on Refugees (UNHCR), the government of Botswana, and numerous Batswana non-governmental agencies. The nature of this exit strategy was elegant in the extreme – specifically, if secession looked as if it was doomed to failure, all rebels had to do was withdraw into Botswana and they could avoid the most severe consequences. This is not to imply they could avoid all consequences, particularly in the case of minor elites (those not high enough in the leadership to be offered Danish sanctuary, but high enough to have responsibility for “leading” violence, thereby severely decreasing their chances for repatriation in the foreseeable future in the event of failure) who became the focus of interdiction efforts as the Caprivi secessionists fled, but to say that it stands as a tantalizing risk-alleviation condition is to understate in the extreme.

This would be interesting enough if the data could be described as of explanatory utility only. Yet the existence of the Dukwe camp and its role as an extraterritorial center for Caprivi independence activities were both well known for years to political science for years preceding the rebellion. There was little doubt that, should open violence occur in East Caprivi refugees would be readily accepted again in Botswana and, further, that these

refugees not only could but would include participants in the violence. Simply put, had theorists of wars of secession been interested in this dimension, they could have predicted an increased chance that the Lozi people of East Caprivi would have rebelled comparative to groups who lacked such an open-ended option for retreat.

### *Danish Sanctuary*

The opportunity of a general exit-strategy for all participants to Botswana seems like it would be enough to radically increase the odds the Caprivi rebels would undertake their war. Yet the risk-alleviating opportunities do not end with that sanctuary/corridor. Quite the contrary, another major option existed, though this one was available only to secessionist elites – specifically, the UNHCR cooperated with the government of Denmark to provide refugee status to most those Caprivi predominant elites who successfully escaped when the rebellion failed. Specifically, these elites were and are predominantly composed of the lieutenants of Muyongo (Schutz 1999). Like the Botswana exit strategy, there is sufficient evidence to indicate that the Danish sanctuary plan was taken into the calculations of the Caprivi elite prior to the onset of violence. In particular, this is was a product of the fact that Muyongo himself, wanted for fomenting rebellion even before the Caprivi revolt occurred, was given sanctuary well before the rebellion.

The product of this was to increase the rational utility of rebellion among the predominant leaders of the Caprivi people. To spell out the



situation, the Caprivi leaders could expect that should they rebel and fail the worst they could expect, assuming they could successfully retreat, were (1) their supporters from the general ranks would return to Dukwe where their security would be guaranteed by the UNHCR and the state of Botswana and (2) they themselves would be given refugee status in a First-World state where they would be able to continue their press for Caprivi independence, if only as a sort of government-in-exile. The product was to minimize their risks, thereby increasing the odds of war.

### *Options Not Taken*

There is reason to suspect that the Caprivi elites expected that even were they denied reentry to Dukwe and transit to Denmark that they would have other valid, if less palatable points of sanctuary. Two options in particular seem likely, again based on their prior transnational relationships. The first of these is a “Zambian retreat,” specifically a retreat either through Botswana or directly across the Zambian border into the hands, and camps, of the Barotseland Patriotic Front (BPF). Given that Caprivi elites and common soldiers were trained and equipped in these camps, it seems likely that they considered such a retreat a valid strategic opportunity, if one that, given the more limited border area (which limits permeability) or, alternatively, the more complex transportation chain, carried far greater risks associated with them.

The second probable untaken option, or the fourth probable expected exit strategy option, though undoubtedly the least palatable, was flight into

Angola, into the hands of UNITA rebels. Remembering the various methods by which UNITA supported the Caprivi rebels, including with at least a few troops, with armaments, and with training, it seems likely that UNITA's leadership would have willingly accepted the CLA rebel leadership. Indeed, given that the CLA's displaced rebels may have provided a potential manpower windfall to UNITA (which was contemporaneously the object of an Angolan military drive), this becomes all the more likely. Of course, the costs of accepting UNITA's sanctuary may ultimately have been excessive for Muyongo and his peers, but this remains a point of conjecture.

## **The Flashpoint: Bounds Set by Establishment Elites**

This chapter, so far, has sought to demonstrate that the policies of external actors in the period immediately preceding the East Caprivi rebellion transformed the political environment in such a manner that the costs and risks associated with such a rebellion were acceptably limited, thereby increasing the odds that disestablishmentarian elites would attempt to transform their systemic and institutional conditions. This final subsection will address, on the contrary, the internal policies of Namibia, specifically dealing with whether or not the predominant actors of the Namibian state enunciated policies which effectively ended any discourse on the possibility of Caprivan autonomy and/or independence. By cutting off dialogue and effectively ending disestablishmentarians' potential to accomplish their radical ends through rule-observing behavior, the odds that disestablishmentarians will

seek to engage in rule-violating behavior on a massive, radical scale (as in the case of secession and other varieties of rebellion) increases substantially.

It is important to note that bound-setting of the type discussed need not be illiberal, nor need they affect the fundamental nature of the relevant political-economy's institutions or structures. For example, for a government to call for the arrest of an elite or set of elites who have been stockpiling military hardware in preparation for rebellion is not only a rational decision, in most countries, including the United States, it would be considered an essential one. This is, of course, just the sort of case discussed below. Such policies can hardly be argued to be increasing the structural or institutional instability of the system by increasing its oppressiveness. Rather, what such policies effectively do is assert that institutional and structural discrimination and oppressiveness, in as far as it does exist, is likely to continue to exist inviolate. The adoption of these policies, in other words, does not change the institutional or structural system – they consolidate it in such a way that it transforms the logic of disestablishmentarians. Of course, this is not to say that the bound-setting excludes the option of further destabilizing the institutions and structures of a state, simply that such an outcome is not necessary, nor is it the functionally essential element *at this stage* in our model.

Of course, there are a variety of policy decisions that could serve the purpose of effectively ending the possibility of further discourse, necessitating radical behavior if disestablishmentarians are to accomplish their goals, but

unquestionably the most frequent involve (1) the purging and sequestering or ostracism of the predominant elite leading those disestablishmentarians and (2) the banning of public discussions of and/or preparation for radical, extraordinary political behavior. Why these particular policies? Well, in the case of both, they have both the effect of rapidly decreasing the visibility of disestablishmentarian movements at relatively low (immediate) costs. In the case of removing disestablishmentarian elites from the public sphere, this policy set also, if effective, cuts the head from the serpent, and in the case of the latter, decreases the ability of the disestablishmentarian movement to mobilize and recruit at either low cost or risk.

In we see in particular the first of these scenarios play out immediately preceding (and largely spurring on) the 1998 refugee crisis that both preceded and allowed for the 1999 attempted secession. Using reports from *The Namibian* we are able to develop a timeline that details the efforts of President Nujoma to eliminate the primary threat to Namibian territorial integrity – a scheming, secretly mobilizing Muyongo clique.

(1) August, 1998 – Muyongo is expelled from the DTA in large part because his renewed calls for East Caprivi independence which approximately coincide with the discovery of Caprivi arms caches and the discover of secret meetings by Caprivi elite on the subject (Nthengwe 1998, McNeil 1999);

(2) Late October, 1998 – Muyongo is declared by Namibia to an enemy of the state (Wakin 1999);

(3) Late October, 1998– Muyongo flees to Botswana (Wakin 1999);

(4) October & November 1998 – Muyongo's (and the CLA's) links to BPF and Agenda for Zambia revealed

(5) Late October, 1998 – Caprivian exodus begins (*Economist* 1998a)

This history, interesting in and of itself, but here it is essential to note two points. First, Muyongo was already mobilizing, preparing the CLA for secession, *but* he did not overtly resist the government of Namibia until he was purged from the legitimate political process. Second, it was not until the government of Nujoma made it entirely clear that Muyongo and his chief peers were enemies of the state of Namibia and could not hope to reenter the political process that the Caprivi exodus, essentially a mass public mobilization by the CLA, which laid the groundwork for the 1999 rebellion, occurred. Why?

I would like to begin by noting that that using violence (literal or symbolic) against the preeminent leader is at the center of this concept – the violence of rebellion was seen as justified by Muyongo because, rightly or wrongly, he believed that Nujoma and his associates were aggressors. The act of ending debate, of threatening Muyongo's political influence (not to mention his very freedom), was a declaration of war to a leader who believes that he represents a state as of yet unfulfilled. Why does this play out with Muyongo's constituents?

The work of Margaret Hermann (1995) helps us to understand this. She notes that as crisis deepens the flexibility available to leaders to choose alternative policies increases – people will accept, in other words, more dramatic acts during times crisis than during times of systemic normality. Of particular interest here, Hermann notes that just such a crisis is the kind discussed here – those moments in history when the preeminence of a leader is threatened by contenders or usurpers (164). Threatening a leader increases said leader's empathy with his or her constituents and can be portrayed as a an attack on those constituents themselves.

In other words, attacking the predominant leader, Muyongo, and his lieutenants both gave Muyongo the legitimacy he required to take his movement to the next step and constituted, in the eyes of Muyongo's allies, an attack on the Caprivi Lozi people themselves, an effort by Nujoma to unilaterally and, it should be added, in an extrajudicial fashion, disenfranchise the Namibian Lozi minority.

As for banning public discourse on Caprivi secession, this was largely unnecessary following the exodus, and untenable besides. It was unnecessary because most of the supporters of Caprivian independence had either fled, were literally undercover, "sleeping" in preparation for rebellion, or were merely fair-weather supporters, favorable to independence but hardly willing to risk their lives for it. On the other hand, such a ban would have been untenable because the Namibian state was desperately attempting to demonstrate to the broader interstate community that it was a functioning

democratic-republican state, and to publicly ban discourse on such a valid and significant political subject would have been sure to draw the rancor of Western observers.

It should be said explicitly that this is the point predicted in my general theory that constitutes the flashpoint, the point at which the various ingredients have consolidated to essentially guarantee the onset of radical, extraordinary politics – though not in the form that one would generally conceive of such a mechanism.

We must establish what is meant by the term flashpoint here, as opposed to its colloquial use. Colloquially we conceive of flashpoints as literally instants in time where an object transforms from one state into another. This perspective is derived, ultimately, from that form of oxidization known as burning – an object that is not oxygen-fixed already is immersed in an oxygen-rich atmosphere. That object is then exposed to an adequate amount of energy to set off a chain-reaction of oxidization which then releases stored chemical energy in the form of light and heat. The process is dramatic and often, though not always, instantaneous, and that moment of ignition constitutes the flashpoint.

Similarly, in our historical memories there are moments which are generally regarded as flashpoints, points at which the matter of a certain political-economy and society is thrown into a state of disarray, the result being that the system is changed through the disarray (whether or not the disestablishmentarians are successful or not). When I created my

hypothesis, I tended to accept this flashpoint logic, the understanding that the moment at which radical, disestablishmentarian violence, including wars of secession, becomes inevitable *immediately* precedes said violence, that the flashpoint would be instantaneous.

The premise of a flashpoint remains sound – ultimately, there is a point where degeneration becomes virtually inevitable, temporally preceding every radical, disestablishmentarian event. That said, the Caprivi instance seems to indicate a different sort of transformation, at least in terms of immediacy. The Caprivi war of secession's flashpoint lays with Muyongo's complete ousting – the point where Caprivi negotiation within *the system* for autonomy seems to have been eliminated as an option. This of course presents a problem. It infers that the onset of radical systemic change may smolder for a time before bursting into open violence – in this instance around a year. This is both surprising and disturbing. It is surprising because it seems to contradict common sense – the “last straw” that makes a war nearly inevitable instinctively seems like it should immediately precede the event itself, literally marking the transformation from peace into war. This is not the case, however – the flashpoint now seems to be introduction of the key final ingredient which forces rapid inevitable change (the equivalent of oxygen in our oxidization metaphor), whether the change is rapid in the explosive sense or rapid in the sense of other forms of rapid oxidization – rusting accelerated by the presence of chlorine, for instance. This is disturbing, however,



because it infers that our ability to predict the onset of wars of secession exactly in time might be extremely attenuated.

This of course brings up a question – should this point at which the onset of radical, disestablishmentarian politics be referred to as a flashpoint or should it be given an alternative conceptual title, one which better encapsulates the possibility that the process may take place explosively or “merely” rapidly. What should such a thing be called? Perhaps the point at which the politics of resistance is constrained into extraordinariness (which is to say all resistance to the ordinary, orthodox political-economic order for those so constrained must take illegal forms).

Whether these events were observable, therefore could have been used in a predictive, rather than simply explanatory capacity, the only possible answer is yes. The articles used in the timeline above were all published contemporary with the events themselves, and the alienation between the Namibian orthodoxy and the Caprivian radicals is so manifest as to be stark.

## **The Kalanga Counter-Example**

Prior to writing the preceding chapter, I may have been inclined to think that substantial variance between the East Caprivi Lozi and the Kalanga of northeastern Botswana was a near inevitability, not quite a straw man, but not far short either. After writing that chapter, which demonstrated that on several of the dimensions I studied the concepts were substantially more complex

than I had previously imagined, I expected almost the opposite – that the Kalanga counter-examples herein would swell this chapter's size substantially, especially given that I employed the socio-historical method throughout.

As I performed my reviews of both the journalistic and academic literature, the former consisting of the same sources discussed above, the latter depending especially on the work of Werbner (2002, 2004) but, secondarily on that of van Binsbergen (1994) and Solway (2002), I found the situation to be far less problematic than I had imagined, which seems to lend at least some strength to my additions to the general model on the origins of wars of secession examined in here. I would like to briefly comment on each of the major vectors of analysis I posit in this chapter with regards to the Botswana Kalanga, noting in particular the absence of useful internal/external policies and on how changing interstate and domestic policies in the relatively near-term might change this.

### *Extra-territorial Support*

Interstate support for Kalanga independence would have to emerge from one of a few sources. First among these is the states of Zimbabwe, but with its own substantial Kalanga population and a stable relationship with Botswana, this seems unlikely. It is possible that other states might support the Kalanga, in the West or in South Africa for instance, but with Kalanga holding substantial relative wealth and influence, this seems unlikely to occur. A

second option would be from among a Kalanga nationalist group, probably in Zimbabwe, but again, this seems unlikely. Every major movement of persons since Botswana's independence has been of Zimbabwean Kalanga into Botswana, usually as a product of disorders in Zimbabwe, disorders which tend to have ethnic and/or racial undertones. Of course, should Zimbabwe's internal situation continue to deteriorate the ends and space for the rise of a Zimbabwean Kalanga disestablishmentarian group might eventually appear.

Additionally, the interest of the United Nations and other intergovernmental organizations in the Botswana/Zimbabwe border area is low. There are no major refugee camps and the border is stable and undisputed. Should the Zimbabwean disorders continue, however, human displacement might increase along the border, focusing UN attention on the area – of course, should any refugee camp be erected in the near future, it would like as not be placed within Botswana territory, rather than Zimbabwean. Finally, the area is isolated from most state-like actors – eastern Botswana is, frankly, far away from the Congo basin, and there are no known contacts between leaders of the Kalanga, including the members of the Society for the Promotion of the Ikalanga Language (SPIL), and other extra-Botswana organizations.

### *Exit Strategies*

With specific reference to the existence of exit strategies for potential Kalanga secessionists, there are simply none readily visible. Not only is there a

general lack of cross-border ties to Kalanga peers in Zimbabwe since the last major migration of Kalanga from that state (Werbner 2004), but furthermore there is no precedent of United Nations intervention in the region.

This vector is, however, probably the most easily transformed. For instance, Werbner (2004) makes it clear that interstate ties are again on the rise between different groups of Kalanga – though of course the effectiveness of the Zimbabwean government at undermining Kalanga efforts to acquire group rights has been substantial and remains an additional impediment. Furthermore, the possibility of UN attention in the area continues for as long as Zimbabwe remains a state whose fortunes are declining. Additionally, should the Kalanga begin seeking extra-territorial support for their campaign to excise discriminatory elements from the constitution and to combat discrimination in political appointments, educational acceptance, and so on, or should ultranationalist Tswana groups begin acting on their fears, rather than simply stating them, international attention and support of the Kalanga could increase and with it the opportunities for Kalanga elite to seek international asylum.

### *Internal Bounds*

In the foreseeable future it seems unlikely that the Kalanga will be ‘cornered into rebellion’ by Botswana’s center for any number of reasons. First, the Botswana Democratic Party, or BDP, seems set to continue its domination of that state for at least the next decade. Unless the BDP, which

has substantial Kalanga membership and representation, somehow lost to an alternative party with an ultranationalist ideology at its core, there is little reason to suspect that Kalanga opponents to Tswanafication or their communications will be brutally repressed. Botswana, though excluding the Kalanga (and other minorities) from the House of Chiefs and limiting their maximum political attainment through the BDP, still allows them wide participation and substantial upward mobility, and the right to *attempt* to redress this discrimination, even if it has so far proven less than successful.

Secondly, Kalanga elites have chosen a strategy of maximizing their political and economic benefits based originally on assimilation and increasingly on cooperation with the Tswana majority – they have, in other words, elected to join the system, rather than alienating themselves from it. This means that Kalanga are already deeply invested in the *status quo*, even if it does not function entirely to their liking. It also means that they have real power to affect changes to that *status quo*, including helping to undermine efforts to decrease their influence, power, and political freedoms. As long as this power continues to exist in substantial portions, the Kalanga are unlikely to see their hands as tied, necessitating the kind of preparations that Muyungo was caught with – preparations that led SWAPO to crackdown, a crackdown which led thousands of Caprivi Lozi to see their options as two-fold – rebel or be disenfranchised.

All this said, it is essential to remember that the seeds for internal bounding to occur are already planted in Botswana. As Kalanga have

become unhappy with both the political system's institutional discrimination and the rapid disappearance of their traditional culture and language, they have begun to form organizations like SPIL. These organizations have made those Tswana already distrustful of the 'alien' people in their midst even more distrustful – identities are the loci of interests, after all, and multiple identities means interests that will diverge. The response has been a cooling of the relationship between the two ethnic groups – generally only a minor cooling, but in some cases, as with the rise of several ultranationalist Tswana groups, extreme. Obviously this sort of interaction could lead to a snowballing effect – Kalanga becoming more pluralistic, demanding ethnic and political rights and Tswana responding by become more nationalistic themselves and taking steps to reinforce their power, leading to more discrimination which of course leads to yet further Kalanga dissatisfaction. We need only consider the case of Yugoslavia to see just how quickly this process can occur, and how devastating its effects can be.

## **Summary**

What have we found in the preceding chapter? That the Namibian case matches our expectations of when external and internal policies will transform the rational matrix of a radical internal constituency in such a way as to make attempting a war of secession a superior option compared to acquiescence to the contemporary orthodoxy. My theory predicted that in the case of Namibia we would see external actors promising (or appearing to promise) substantial

support in preparation for and in the event of the onset of a war of secession. Just such circumstances were seen, across multiple levels and among several types of organizations. My theory also asserted that civil wars of secession become far more likely when and if a valid exit strategy is available for the predominant elites (in the first order) and for other participants (in the second order). These are just the circumstances that played out.

My theory also predicted that the Caprivian revolt needed a “flashpoint” of sorts, a juncture in which the internal policies of Namibia radically decreased the utility (both present and future) of continuing to operate (even nominally) according to the orthodox rules. The collapse of Muyongo and his associates’ power with the hardline taken by Nujoma provided just such a flashpoint.

Alternatively, my theory predicted that the Kalanga would have neither interstate support for independence, nor available practical risk minimization strategies, nor a specific point in which their dialogue about their ethnicity’s rights, powers, and so forth vis-à-vis the Batswana state was specifically cut off. In fact, despite the Kalanga being consciously discriminated against in the institutional arrangement of the Batswana institutional structure, their right to discuss and debate this arrangement never faltered in the least (Werbner 2004).

My hypotheses assert the significance of both internal and external factors in determining the onset of a war of secession – both are capable of dramatically increasing the likelihood of the onset of radical, extraordinary

politics, with the latter of these most likely constituting a necessary condition. Yet my hypotheses do so using a very particular method – by emphasizing these factors' significance in terms of their likely effect on the decision-making process of disestablishmentarian elites.

Of course, it is too early to overemphasize these findings – this study is, again, merely a first inquiry, an attempt to determine if there is reason to develop a more systematic approach and applying it to a larger set of cases to determine if these correlations constitute a transnational regularity. That said, the findings are definitely hopeful, indicating there may be a relatively simple method of adding more predictive and explanatory capabilities to our generally accepted models. Additionally, these models also have the utility of highlighting transforming rationalities, even when institutional and structural conditions remain fairly stable, particularly in reference to the flashpoint of the internal policy transformation. By doing so we should be able to speak in far more subtle terms about the degree of risk of internal war, moving beyond merely being able to say a state is structurally and institutionally unstable to being able to say that, among states which are structurally and institutionally unstable X, Y, and Z states have entered a stage in which civil war is imminent (within the next year or two).



## **CHAPTER VII CONCLUSION**

To conclude this study, I would like to briefly review my model, discuss my findings and the accuracy of my model in describing the situations in Namibia and Botswana respectively, and discuss the implications of my research.

### **Model**

My approach to this dissertation was simple in its intent, even if that necessitated substantial complications in practice. I sought to determine whether or not there was a pattern the literature on the approaches to explaining and predicting the genesis of wars of secession in particular and the onset radical, extraordinary politics in general. What I found was that almost every theory and model on the origins of wars of secession and their ilk agreed that the causes lay exclusively or predominantly in the structural and/or institutional conditions either within or encompassing the state in question. This pattern held among realist, liberal, feminist, and Marxist theories of revolution in weak and strong forms. The weak form asserted that the institutional and/or structural conditions were the only conditions readily able to be generalized, the strong that these conditions were deterministic, necessitating certain behavioral outcomes.

What I argued, however, was that other agencies matter as a determinant of the onset of wars of secession, with human agency, usually but not exclusively in the form of elite agency, in particular being the essential

element in setting transformation (attempted or successful) into motion. I asserted that this occurred in three key ways. First, civil conflicts, including wars of secession, are impossible in the absence of the disestablishmentarian group establishing, among both elites and those masses they ultimately hope to mobilize, an alternative identity. Secondly, elites are responsible for deciding to (or not) mobilize resources and forces. Finally, elites were capable of choosing to exploit (or not exploit) not only favorable structural and institutional conditions, but of exploiting smaller scale transformations in policy that cannot be classified as institutional or structural in nature. I also felt that it was essential to look at these elements at the regional- and identity-group levels of analysis, rather than simply the state-level of analysis favored almost universally in all variants of the literature save some, but by no means all, of the works on the causes of ethnic and religious revolutions.

My selection of these specific elements was driven by my critique of the blank spots in the realist, liberal, feminist, and Marxist approaches to wars of secession – it was never my intention to vary radically from the condition-driven, sometimes deterministic, logic of these approaches, but rather to augment them. I have, since conducting this research, come to the conclusion that these criticisms could have arisen within a very specific, if relatively new and under-researched, approach to the study of international relations, specifically that of constructivism.

I refer in particular to John Gerard Ruggie's 1998 piece "What Makes the World Hang Together? Neo-utilitarianism and the Social Constructivist

Challenge” and his dichotomous taxonomy of the kinds of scientific approaches possible with regards to international politics. Most interstate relations theorists, argues Ruggie, are neo-utilitarian. They assume that human behavior in general, and interstate behavior in particular, is the product of human beings rationally considering the structural and institutional conditions which surround them, assessing their situation absolutely and relatively, then act to acquire their ends in as efficient a method as possible. The effects of identities integration or disintegration, the role of human agency, and the genesis of constitutive (rather than regulatory) rules, for instance, are usually either ignored or discounted as merely given. Ruggie asserts that the failure to account for these elements of interstate politics is a product of both the complications inherent in such undertakings (dealing with ideational and rational concerns involves the psychological black box and all its conundrums) and the conservative bias of international relations (emphasizing contemporary identities and constitutive rules, for instance, rather than emphasizing identity as part of a geographic and historical moment – also see Galtung 1968).

Despite the fact that his work is specifically an international relations paper, Ruggie emphasizes that research needs to be done in exactly the venue that I have been testing the waters of. Structural and institutional analyses, despite their deterministic claims, are not enough – they may determine *something* will happen, that a decision must be made, but they cannot determine what policies will be selected by disestablishmentarians.

Furthermore, structures and institutions speak to the stable, the contemporary – they speak of regular patterns, *not* the process of diverging from these patterns. What Ruggie argues for, what he names constructivism, is a scientific attack on the processes of transformation – how do individuals or groups of individuals, recognizing the failings and weaknesses of a particular structural and institutional situation, proceed in constituting new identities and new rules, and what role does their human agency play therein?

This is, ultimately, all I have tried to do. I compared the structures and institutions of Namibia and Botswana, demonstrating that they are highly similar, similar enough that one would generally assume that they would have similar behavioral outcomes – both should have experienced civil wars in the last decade of the Twentieth Century. Given that they did not both experience civil wars, one must assume other factors, non-institutional and non-structural factors, were active. I asserted that the most likely points of divergence were the specific ideas and policies of minority elites in those two states, with specific reference to their identities, their decision to mobilize resources and personnel (the decision to physically constitute a new collective around their disestablishmentarian identity or not), and those environmental factors that simply do not fit into the typical definition of structural and institutional factors.

In other words, my dissertation, through critiquing the mainstream theories on the causes of wars of secession, may be described as partly constructivist (through no conscious intention of my own) and as partly micro-

structural and micro-institutional. By adding the micro- to structural and institutional what I mean to infer is that I insist that I have employed logics native to institutional and structural approaches but at sub-national levels, examining the emergence (or failure to emerge) of new identities and systems. Alternatively, I have looked at policies which had immediate consequences, rather than long-term patterns. These policies, given the immediacy of their impact, can hardly be described as structures or institutions – they are alike in their importance and perhaps even in their behavior, but unlike in their temporal characteristics (and, one would infer, their limited impact on norms – they are more likely to effect rationality exclusively).

I would like point out, before continuing, that I am less concerned with why elites (or the masses they are convincing to follow their leads) are deciding to pursue wars of secession (or other types of disestablishmentarianism). On the contrary, what I am concerned with is the search for evidence (1) that elite agency does matter *in addition* to structural and institutional concerns and (2) that there is a behavioral variance between minority elites and masses in structurally and institutionally conditions who have chosen to prepare to revolt and those who have chosen to address their grievances within the orthodox system.

## Findings

Before enumerating my findings, I would like to point out, as I did at the onset of this dissertation, that this study has been an exploratory study of sorts. Its goal has been, explicitly, to determine if there was just cause for expanding upon the orthodox methodology for predicting the onset of wars of secession by adding in additional non-institutional and non-structural dimensions of analysis. While I will discuss in the implications the possibility that future inquiries into the same subject matter might confirm certain generalizations, this study was conducted with an eye for detail for one particular reason – to determine if, in a case barely remembered outside of the state it occurred in, data emerged prior to the conflict that might have allowed us to predict it with some accuracy had we been looking for the indicators I emphasized in addition to those usually utilized by projects like the SFTF.

### *Structural-Institutional Causes*

What I found in my exhaustive study of the structural and institutional attributes of Namibia and Botswana was essentially what I expected to find. The states were structurally and institutionally very similar. The most pronounced differences lay in their physical geographies, the nature of international instability along their border areas, in the length of their period of independence, in the length of time in which the regions were administered

with racially discriminatory policies, and in the continued existence of formal institutional discrimination in one, but not the other, state.

In Table 7.1 I outline those structural and institutional indicators theoretically predicted to affect a state's likelihood to experience the onset of radical, extraordinary politics, such as wars of secession. Whereas my review of these (and several other) indicators focused on the similarity between Namibia and Botswana's institutional and structural conditions, this chart focuses on the broad picture of just how similar they are. Specifically, it delineates the points at which pressures on the two states can be expected to diverge or converge, either underscoring or eliminating instability. The picture here is a simple one. In terms of trade balance and religious composition Botswana is the more stable state, while in terms of economic composition Namibia is the more stable state. Given that the favorable trade balance of Botswana is dependent on a single key resource (gemstones) that disproportionately favors a very small proportion of Botswana, it is easily argued that this point of variance does not actually constitute a stable point for Botswana.

What is the implication of this? While Namibia and Botswana are *not* identical (it would be unrealistic to expect them to be so as my detailed discussion of the variances between the states makes very clear), a tallying of whether or not they are unstable on the theoretically relevant dimensions makes it clear that they are functionally similar enough for us to expect them to have both experienced the genesis of radical, extraordinary politics

Table 7.1: Comparison of Structural and Institutional Indicators of Namibia and Botswana

	Namibia Unstable	Namibia Stable	Botswana Unstable	Botswana Stable
GNP		X		X
GNP per capita		X		X
Consumer Price Inflation		X		X
Gini Index	X		X	
Economic Composition		X	X	
Labor Force Composition	X		X	
Transportation Infrastructure Development Rate	X		X	
Communication Infrastructure Development Rate	X		X	
Economic Prospects	X		X	
AIDS	X		X	
Fertility Rate	X		X	
Religious Composition	X			X
Ethno-Linguistic Composition		X		X
Transnational Minorities	X		X	
Institutionalized Discrimination	X		X	
Competition for Political Office	X		X	
Polity IV		X		X
Corruption		X		X
Gender Equity	X		X	
Trade Balance	X			X
Dependence	X		X	
Interstate Cooperation		X		X
Neighborhood Stability	X		X	



sometime in the post-Cold War period *if* structural and institutional variables constituted the only necessary variables. Since they did not experience similar behavioral outcomes we can say with some confidence that some other variables are also necessary to complete our causal equation.

### *Identity Change as an Indicator*

I predicted, unconsciously mirroring Galtung (1968), that there would be two processes of identity transformation that preceded the onset of war of secession in Namibia among the Lozi people of East Caprivi, but absent among the Kalanga of Botswana. First, I expected alienation and anomie (what Galtung called “disintegration” and what I refer to in my theoretical portion as “identity and value entropy”) to be higher in East Caprivi in relation to Namibia and that a reintegration of sorts would be occurring as Lozi nationalists recruited substantial proportions of their ethnic group to national awareness, leading to higher levels of self-identification among Namibian Lozi as Lozi comparative to Botswana Kalanga as Kalanga.

At the state level of analysis, what I found was quite different than what I expected. Consistently in Namibia and Botswana the differences in terms of state legitimacy and systemic legitimacy, in terms of performance, expectations, and method of acquiring power, are virtually indistinguishable, and when they are distinguishable, it is the state which did not experience the onset of radical, extraordinary politics (Botswana) that usually experienced the lower levels of legitimacy. While this matches the assumptions neither of

common wisdom nor the formal hypothesis expostulated by this paper, it remains an important point of order, inferring that we require other methods of legitimacy measurement or that the role of disestablishmentarian elites may be greater than had previously been considered.

Looking at the ethnic homelands of the Caprivi Lozi and Kalanga, on the other hand, what I found was quite different. While Kalanga and Caprivi both have relatively high levels of disdain for the contemporary system and its ability to solve problems, the Caprivi Lozi actually felt in 1999 that an alternative political system could constitute a viable alternative to the contemporary system. This nuance was not expected, but it does make sense – disintegration may be of a simple type, engendering *only* dissatisfaction and alienation or it may be more complex, engendering both a sense of dissatisfaction and alienation *and* a sense that a viable alternatives exist.

My findings on whether or not the Caprivi Lozi self-identified as Lozi (or as Silozi, Itenge, or Barotse) at a higher rate than Batswana Kalanga fell farther from my expectations, however. Kalanga self-identified at a very high rate despite their fears of recriminations in terms of access to jobs and education, while Lozi-speakers of East Caprivi tended to identify themselves according to their economic position in society, either according to class or, far more frequently, according to their occupation (most were farmers). While this might have been expected in the case of a Marxist revolution, it was far

from expected in the case of a war of secession defined along ethno-linguistic terms.

There are two possible explanations for this. First, it may simply be that the East Caprivi people while holding disintegrated identities and being highly alienated, and indeed, believe that an alternative political-economic system might be the cure for their ills, they have not been overwhelming convinced that this systemic change should take the form of ethno-national radicalism. The second option, which need not exclude the first, is that those Caprivi Lozi who were willing to take the perceived risks of self-identifying as Caprivi or Lozi rather than Namibian had already fled Namibia, following Muyongo into Botswana, leaving behind those who were merely deeply entropic with regards to their identity.

#### *Mobilization as an Indicator*

I define in this study mobilization as the process by which human beings and resources, particularly weapons, are prepared to resist the orthodox system, in this case through attempting a war of secession. My assumption, at the outset, was that the Caprivi Lozi would exhibit readily observable characteristics that indicated they were (1) developing an alternative political-economy to fund their war of secession and/or as a shadow political-economy to be put into place upon independence, were (2) developing a military, and were (3) arming their military. In the same vein, I hypothesized that the Kalanga of Botswana would demonstrate no similar precursors of violence.

In the case of an alternative political-economy, I focused my efforts on a search for black or gray political markets and comparisons of perceived levels of corruption in East Caprivi, Namibia and the North East District, Botswana respectively. In my review of the journalistic or academic literature on the regions/peoples, I found virtually no explicit evidence of black or gray market, leading me to believe at the time that this was utterly a dead end, and my research on corruption indicated that it was believed to be more pervasive by Kalanga than Lozi, though this may be because of the nature of the surveyed people's opinions on the legitimacy of the leadership more than the actual level of corruption in those states.

Yet there was an unexpected source of hope that this indicator still had some potential. In my study of mobilization of personnel what I found was that recruitment patterns by the Caprivi Liberation Army (CLA) focused on the development of a shadow state, composed of persons with military, political, bureaucratic, and educational experience. Furthermore, the transnational CLA network of relationships essentially functioned as an alternative political-economy without fostering internal corruption – probably a wise decision *if* it had led to a successful war of secession.

When I was discussing my findings with a friend and former student of mine at the University of Tennessee, one Justin Smith who is a senior at the University this year in anthropology, he suggested that interstate networks might be essential in this case, citing Carolyn Nordstrom's (2004) *Shadows of War*. In this work Nordstrom examines the "shadow" political-economies that

develop in states engulfed in internal crisis – her focus is Mozambique - and how developed states such as the United States and United Kingdom exploit these shadow political-economies to cheaply extract valuable unrefined goods.

This is relevant here because it brings up the simple fact that shadow political-economies are built on the extraction of luxury goods to exchange for essential goods lower down on the hierarchy of values, such as food, medicine, armaments, and other finished goods. Great powers can exploit these at will, of course, because of their tremendous wealth, but small powers, or disestablishmentarians in those powers, might also be able to exploit these states assuming they are both spatially near the shadow political-economies and have desirable goods. Earlier, for instance, I noted that Caprivi Lozi were able to purchase assault rifles in exchange for relatively small amounts of grain. Where did these rifles originate from? They originated from southern Angola where until 2001 the Angolan civil war raged between the Angolan state and UNITA. Perhaps no obvious signs of a black market existed in East Caprivi because the leaders therein exploited the instability of southern Angola, limited state control of southwest Zambia, and the humanitarian efforts of the UNHCR and Botswana in such a way that these bodies took over the functions of a black market in this case.

As to my research with regards to whether or not there was evidence that the Caprivi Lozi were both mobilizing, training, and arming a military force prior to the onset of violence, the only answer must be yes, and further, that

no similar behavioral markers existed in Botswana among the Kalanga. This constitutes a simple point. The Caprivi Lozi not only decided that force might be a necessary option to accomplish their goals, they took practical steps to prepare for it. This is far from saying that the attempted Lozi secession was inevitable – it was not. What it is to say is that a scholar, asked whether Namibia was more likely to experience an ethnic war of secession than was Botswana, could have stated absolutely based on a relatively simple inquiry that is easily replicable, though perhaps not in quantifiable terms. What this demands, however, is that the scholar (1) probe deeper than the state-level of analysis favored by contemporary structuralists and institutionalists and (2) invest the rebels with agency separate from the state of which they are a part in practical terms.

#### *Discrete Policies and Conditions as Causes*

Above I described structuralist and institutionalist conditions and their apparent roles in Namibia and Botswana. I described them as “causes” because they are necessary to the onset of wars of secession and their kin. I also asserted that, while necessary, they are not sufficient.

I ascribe a similar role to discrete policy decisions that cannot be described as institutions or structures because their effect is (1) immediate, rather than long-term and (2) would not register as changes in either the institutional arrangement or the structural patterns of a given system. I identified three of these discrete conditions as likely having particular

salience. First, I asserted that if extra-territorial actors lend moral or real support to radical disestablishmentarians, aiding them in their cause, we could expect the odds that a war of secession would occur would increase substantially since such assistance would either lower costs, lower risks, or lower increase the apparent value of the benefits. Second, I asserted that if a mobilizing identity group had access to an exit strategy or a series of exit strategies, the risks entailed in attempting to secede would decrease, thereby making the odds that they would attempt secession increase. Third, I asserted that if leaders of the establishment ended any possibility of legal recourse to secession (or other sovereignty acquisition options) and/or criminalized the leadership of the disestablishmentarians – both of which constitute limitations to discourse – then the costs entailed in rebellion would decrease and the benefits increase, especially to elites – therefore the odds that a war of secession would increase.

What I found matched my expectations quite well. The Caprivi Lozi had access to international support of several types, some clearly intended to support rebellion, some intended to be humanitarian, while the Batswana Kalanga neither had access to such support nor, and this point can easily be looked over, did their elite seek it. The Caprivi Lozi had access to numerous exit strategies, while the Batswana Kalanga had no such access – their only escape route would be into a state in which their repression would be far worse. Finally, Namibian President Sam Nujoma consciously and finally ended any discussion of the possibility of East Caprivi independence and

declared Mishake Muyongo and his peers to be enemies of the state, forcing them to flee and leaving them no option other than discard their dream of independence or use violence. In Botswana, however, even as the Kalanga continue to be excluded from office, prevented from using their language in formal situations, and are experiencing increasing discrimination in the acquisition of higher office and educational opportunities, there is no question that the government remained open to Kalanga protests, entreaties, and demands *even if they never responded satisfactorily*.

### *On Elites*

Though I have made an effort to highlight the role of elites in each of the preceding finding summaries, I would like to briefly reemphasize their essential role. I do this not only because my solutions to the weaknesses of the structuralist and institutionalist approaches hinged on theories excised from the literature on elites' roles in crises, but further because it is disestablishmentarian elites who played (or failed to play) the critical role at each vector.

This is essential to remember for future research, because it implies that fully comprehensive research designs constitute analytic “sandwiches.” The bottom layer, the first set of research, should be constituted of structural and institutional analyses – these constitute the effort to determine whether or not a state has the necessary characteristics to be considered ripe for the onset of radical, extraordinary politics. The second layer, the second set of researches, should constitute the development of a framework of actionable



non-state actors, both sub-state and extra-state, that have grievances with the state. Specifically, this layer would concentrate on (1) isolating out those groups which have any possible cause for rebellion and (2) isolating out the elites within those groups. This layer is a difficult one to conduct, particularly in the instance of states that are only now being examined by social and political scientists – I speak of course of those states which are practically difficult to study: members of the Third World, totalitarian states, religiously fundamentalist states, states only recently emerged from the Communist bloc, and so forth. That said, this difficulty must be overcome – without political maps of potential dissenters and disestablishmentarians we can hardly hope to predict the onset any sort of large-scale political violence.

In our third layer of research the researcher should try to rank order these groups in terms of desperation (how deeply threatened and/or alienated the groups are) and genuine capabilities, and furthermore, the researcher should try to develop at least a basic taxonomy of these groups' ideologies. This sort of ideological mapping is for practical purposes, largely, since the ideology of a disestablishmentarian group will be substantially (though by no means exclusively) responsible for determining said group's method of rebelling should the time come – both in terms of the ends (e.g. overthrowing the state, seceding from the state, retaining the current framework while instituting a second legal base, acquisition of autonomy, genocidal removal of another group, etc.) and in terms of the acceptable means and costs for the accomplishment of those ends. In other words, knowing the ideology largely

will allow the researcher to predict that type of radical, extraordinary politics most likely to be fomented by said group.

The fourth and final layer of our sandwich should be something akin to that work I have just completed – it should examine those environmental factors that are either (1) a measure of the activities of disestablishmentarian elites or (2) a measure of the environmental factors that are neither structural nor institutional but which will effect the rational calculus of disestablishmentarian elites. Not only will this reveal the proximate causes of the onset of an episode of radical, extraordinary politics, but furthermore it will constitute the most precise bellwether of such. In other words, while the elites are not the only substantive influence on a state's likelihood to experience radical, extraordinary politics, they do constitute the most immediately influential in the period immediately preceding such violence.

## **Implications for Namibia and Botswana**

What are the implications for the states which sat at the center of this study, Namibia and Botswana? There are a few. First, I would argue that the swift reaction of the Namibian state to the Caprivi revolt probably has ended any real threat that the CLA may represent in the future and has probably decreased the likelihood that other minority groups will seek autonomy through violent means – the failure of the United Nations or developed world to care about the Caprivi Lozi simply adds more weight to this. This is not to say, however, that such rebellion is impossible – as long as the structural and

institutional conditions remain ripe for rebellion, the possibility a disestablishmentarian group might again arise remains. The only way we will be able to predict such disestablishmentarianism is if we apply methods of study beyond those currently being utilized widely.

Botswana remains ripe for rebellion as well, though again, it takes a group of disestablishmentarian elite to decide they will make a rebellion for a rebellion to appear. Indeed, as Kalanga seek to reestablish their identity and Tswana nationalists and ultra-nationalists respond by trying to continue to force assimilation the likelihood that the Kalanga will seek their solutions in the realm radical, extraordinary politics, rather than radical, ordinary politics, particularly in the form of a war of secession, gradually increase. If Botswana would take the simple step, however, of eliminating the ethnic biases built into their legislature and educational systems, the odds that such a rebellion would occur would drop exponentially – at least in the short term.

Ultimately, what may prove most interesting about these cases is just how clear it is that the variance between them may ultimately be traced to decisions made by minority elites prior to independence with regards to how they should proceed in their political aspirations. Caprivi Lozi elites sought, even when allied as with SWAPO against their South African oppressors, a political revival, an ascension to the status once more of sovereigns of their own state, while Botswana Kalanga elites sought consciously to integrate themselves with the post-colonial state, willingly accepting discrimination in the short-term in pursuit of political-economic advancement. The question

remains, however, which strategy is superior over long periods of time, especially given that the success the Kalanga are now experiencing is leading to a resurgence in tensions between the Tswana majority and themselves.

## **Implications for the Study of the Genesis of Wars of Secession and their Kin**

This dissertation succeeded in its fundamental goal: to determine whether or not non-institutional/structural dimensions of analysis have the *potential* to improve our explanatory and/or predictive abilities with reference to the origins of wars of secession. There is cause to believe that in states determined to be ripe for such wars, the new variables I discussed herein do hold potential as indicators, though in varying degrees (mobilization, internal limitation of discourse, and interstate influences having a high potential, identity disintegration some, while identity reintegration remains questionable). There is reason to question what degree these factors are quantifiable, but some sort of standardized, cross-national system for monitoring not just states which are ripe, but the identity groups (religious, ethnic, and non-traditional) in those states should be possible, if difficult (especially in the first order – maintenance will be far simpler). The next step should probably be to develop a regional database ranging over a number of years that focuses on states meeting the criterion of ripeness, probably as defined by the SFTF – Latin America and the Middle East seem to me to be the best candidates for this undertaking, at least at this point. Those identity

groups to come under focus first should probably be those already identified by the Minorities at Risk project, but I would argue that once these groups have been integrated into a system of constant vigilance, the list should be expanded in as much as possible.

Several additional studies are suggested by my findings here. First, the role of extra-territorial disorders specifically as the bases of disestablishmentarian political-economies in unstable states should be looked into to determine if different types of disorders (civil wars versus regime transitions, for instance) have measurable different effects on their neighboring states. Furthermore, there is a distinct need for developing and testing theories on identity formation, with specific reference to determining if there are measurable thresholds of self-identification or other indicators that are regular within particular cultural frameworks or, ideally, on a trans-cultural level. Furthermore, a database of case studies should be developed in order to determine if certain ideational processes, cultural biases, and so forth among disestablishmentarian elites in a given area are the key in determining what means and ends should be the responses to their institutional and structural conditions.

There is also an obvious need for those persons who make it their business to predict warfare to recognize several key points. First and foremost, the divide between interstate and domestic factors is once more disintegrating as the new medievalism emerges and its practical tenets become ever more the standard rather than atypical. This will necessitate at

minimum the conscious and on-going cooperation of regional specialists, comparative politics generalists, political psychologists, international relations experts, public and foreign policy experts, and organizational theorists, all focusing their efforts at specific links in the causal chain if we are to create not merely statistically powerful but practically accurate prediction tools with regards to warfare. None of these sub-disciplines can argue for superiority in such a framework – the absence of any of them is tantamount to the loss of a sense. It is, in other words, time to accept that warfare, and in particular domestic wars such as wars of secession, are always nested games.

Finally, this dissertation has uncovered something disturbing. The United Nations and several well-intentioned states, as part of their efforts to (1) diffuse tensions in Namibia and (2) care for the interests of refugees may have laid the foundations of a war. Substantial, cross-national studies should be conducted on this subject in order to determine whether or not there are observable relationships between the creation of defended refugee camps *and their attributes* (are they porous, are all arms seized, are residents admitted indiscriminately, how far are they from the territory being fled, and so forth), the origins of the refugee crisis, and the onset (or lack thereof) of further, related hostilities soon thereafter. Doing so could yield tremendous benefit in improving the method by which refugee crises are handled, to the benefit of both the United Nations (and its member states) and the refugees themselves. Failure to do so could lead to the UN actually complicating matters and worsening the potential for political violence.

## **Plans for Future Research**

I plan to follow up this research in a few key ways. First, I plan to conduct similar studies to those found in my fourth, fifth, and six chapters on at least two more pairs of states: Nepal and Bhutan in Himalayan Asia, Fiji and Tonga in Oceania, Armenia and Azerbaijan in Caucasia, and Peru and Ecuador have all come to mind. My goal here is merely to create a powerful, if relatively elementary argument for the widespread adoption of my multilayer approach. Secondly, I want to develop a plan for the practical application of my multilayer approach to the prediction of radical, extraordinary politics for use of the United States and its allies and intergovernmental and nongovernmental organizations for policy development and early crisis preparation (with the secondary utility of potentially informing American investors in developing states as to when and where capital investment is least likely to be appropriated or destroyed by disestablishmentarians). I have also grown interested in whether or not there are regularities in the effects of refugee camps (and their relative characteristics) on the likelihood of crises becoming open war and on the scale and intensity of said war, and hope to conduct a study on this in order to develop practical plans for minimizing the negative effects of such humanitarian aid. Finally, on a somewhat more esoteric level, I hope to construct a full taxonomy of varieties of politics in terms of the extremeness of their means and ends, rather than the contemporary linear ideological maps. By doing so I hope to illustrate the

similarity of ultimate causes for numerous radical, extraordinary movements generally assumed to be disparate because of their ideological justifications or cultural variances, thus allowing for more elegant heuristics as well superior explanatory methods.



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## APPENDICES

## **Appendix I**

### **The Constitution of Namibia (1991)**

#### **Preamble**

Whereas recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is indispensable for freedom, justice and peace; Whereas the said rights include the right of the individual to life, liberty and the pursuit of happiness, regardless of race, colour, ethnic origin, sex, religion, creed or social or economic status; Whereas the said rights are most effectively maintained and protected in a democratic society, where the government is responsible to freely elected representatives of the people, operating under a sovereign constitution and a free and independent judiciary;

Whereas these rights have for so long been denied to the people of Namibia by colonialism, racism and apartheid;

Whereas we the people of Namibia - have finally emerged victorious in our struggle against colonialism, racism and apartheid;  
are determined to adopt a Constitution which expresses for ourselves and our children our resolve to cherish and to protect the gains of our long struggle;  
desire to promote amongst all of us the dignity of the individual and the unity and integrity of the Namibian nation among and in association with the nations of the world; will strive to achieve national reconciliation and to foster peace, unity and a common loyalty to a single state;  
committed to these principles, have resolved to constitute the Republic of Namibia as a sovereign, secular, democratic and unitary State securing to all our citizens justice, liberty, equality, and fraternity.

Now therefore, we the people of Namibia accept and adopt this Constitution as the fundamental law of our Sovereign and Independent Republic.

#### **Chapter I The Republic**

##### **Article 1 [Establishment of the Republic of Namibia and Identification of its Territory]**

(1) The Republic of Namibia is hereby established as a sovereign, secular, democratic and unitary State founded upon the principles of democracy, the rule of law and justice for all.

(2) All power shall vest in the people of Namibia who shall exercise their sovereignty through the democratic institutions of the State.

(3) The main organs of the State shall be the Executive, the Legislature and the Judiciary.

- (4) The national territory of Namibia shall consist of the whole of the territory recognised by the international community through the organs of the United Nations as Namibia, including the enclave, harbour and port of Walvis Bay, as well as the off-shore islands of Namibia, and its southern boundary shall extend to the middle of the Orange River.
- (5) Windhoek shall be the seat of central Government.
- (6) This Constitution shall be the Supreme Law of Namibia.

## Article 2 [National Symbols]

- (1) Namibia shall have a National Flag, the description of which is set out in Schedule 6.
- (2) Namibia shall have a National Coat of Arms, a National Anthem and a National Seal to be determined by Act of Parliament, which shall require a two-thirds majority of all the members of the National Assembly for adoption and amendment.
- (3)(a) The National Seal of the Republic of Namibia shall show the Coat of Arms circumscribed with the word "NAMIBIA" and the motto of the country, which shall be determined by Act of Parliament as aforesaid.
- (b) The National Seal shall be in the custody of the President or such person whom the President may designate for such purpose and shall be used on such official documents as the President may determine.

## Article 3 [Language]

- (1) The official language of Namibia shall be English.
- (2) Nothing contained in this Constitution shall prohibit the use of any other language as a medium of instruction in private schools or in schools financed or subsidised by the State, subject to compliance with such requirements as may be imposed by law, to ensure proficiency in the official language, or for pedagogic reasons.
- (3) Nothing contained in Paragraph (1) shall preclude legislation by Parliament which permits the use of a language other than English for legislative, administrative and judicial purposes in regions or areas where such other language or languages are spoken by a substantial component of the population.

## Chapter II Citizenship

### Article 4 [Acquisition and loss of Citizenship]

- (1) The following persons shall be citizens of Namibia by birth:
- a) those born in Namibia before the date of Independence whose fathers or mothers would have been Namibian citizens at the time of the birth of such

persons, if this Constitution had been in force at that time; and

b) those born in Namibia before the date of Independence, who are not Namibian citizens under Paragraph (a), and whose fathers or mothers were ordinarily resident in Namibia at the time of the birth of such persons: provided that their fathers or mothers were not then persons:

aa) who were enjoying diplomatic immunity in Namibia under any law relating to diplomatic privileges; or

bb) who were career representatives of another country; or

cc) who were members of any police, military or security unit seconded for service within Namibia by the Government of another country: provided further that this paragraph shall not apply to persons claiming citizenship of Namibia by birth if such persons were ordinarily resident in Namibia at the date of Independence and had been so resident for a continuous period of not less than five (5) years prior to such date, or if the fathers or mothers of such persons claiming citizenship were ordinarily resident in Namibia at the date of the birth of such persons and had been so resident for a continuous period of not less than five (5) years prior to such date;

c) those born in Namibia after the date of Independence whose fathers or mothers are Namibian citizens at the time of the birth of such persons;

d) those born in Namibia after the date of Independence who do not qualify for citizenship under Paragraph (c), and whose fathers or mothers are ordinarily resident in Namibia at the time of the birth of such persons: provided that their fathers or mothers are not then persons:

aa) enjoying diplomatic immunity in Namibia under any law relating to diplomatic privileges; or

bb) who are career representatives of another country; or

cc) who are members of any police, military or security unit seconded for service within Namibia by the Government of another country; or

dd) who are illegal immigrants:

provided further that Paragraphs (aa), (bb), (cc) and (dd) will not apply to children who would otherwise be stateless.

(2) The following persons shall be citizens of Namibia by descent:

a) those who are not Namibian citizens under Paragraph (1) and whose fathers or mothers at the time of the birth of such persons are citizens of Namibia or whose fathers or mothers would have qualified for Namibian citizenship by birth under Paragraph (1), if this Constitution had been in force at that time; and

b) who comply with such requirements as to registration of citizenship as may be required by Act of Parliament: provided that nothing in this Constitution shall preclude Parliament from enacting legislation which requires the birth of such persons born after the date of Independence to be registered within a specific time either in Namibia or at an embassy, consulate or office of a trade representative of the Government of Namibia.

(3) The following persons shall be citizens of Namibia by marriage:

- a) those who are not Namibian citizens under Paragraph (1) or (2) and who:
  - aa) in good marry a Namibian citizen or, prior to the coming into force of this Constitution, in good faith married a person who would have qualified for Namibian citizenship if this Constitution had been in force; and
  - bb) subsequent to such marriage have ordinarily resided in Namibia as the spouse of such person for a period of not less than two (2) years; and
  - cc) apply to become citizens of Namibia;
- b) for the purposes of this paragraph (and without derogating from any effect that it may have for any other purposes) a marriage by customary law shall be deemed to be a marriage: provided that nothing in this Constitution shall preclude Parliament from enacting legislation which defines the requirements which need to be satisfied for a marriage by customary law to be recognised as such for the purposes of this paragraph.
- (4) Citizenship by registration may be claimed by persons who are not Namibian citizens under Paragraph (1), (2) or (3) and who were ordinarily resident in Namibia at the date of Independence, and had been so resident for a continuous period of not less than five (5) years prior to such date: provided that application for Namibian citizenship under this paragraph is made within a period of twelve (12) months from the date of Independence, and prior to making such application, such persons renounce the citizenship on any other country of which they are citizens.
- (5) Citizenship by naturalisation may be applied for by persons who are not Namibian citizens under Paragraphs (1), (2), (3) or (4) and who:
  - a) are ordinarily resident in Namibia at the time when the application for naturalisation is made; and
  - b) have been so resident in Namibia for a continuous period of not less than five (5) years (whether before or after the date of Independence); and
  - c) satisfy any other criteria pertaining to health, morality, security or legality of residence as may be prescribed by law.
- (6) Nothing contained herein shall preclude Parliament from authorizing by law the conferment of Namibian citizenship upon any fit and proper person by virtue of any special skill or experience or commitment to or services rendered to the Namibian nation either before or at any time after the date of Independence.
- (7) Namibian citizenship shall be lost by persons who renounce their Namibian citizenship by voluntarily signing a formal declaration to that effect.
- (8) Nothing in this Constitution shall preclude Parliament from enacting legislation providing for the loss of Namibian citizenship by persons who, after the date of Independence:
  - a) have acquired the citizenship of any other country by any voluntary act; or
  - b) have served or volunteered to serve in the armed or security forces of any other country without the written permission of the Namibian Government; or
  - c) have taken up permanent residence in any other country and have absented themselves thereafter from Namibia for a period in excess of two (2)

years without the written permission of the Namibian Government:  
provided that no person who is a citizenship of Namibia by birth or descent  
may be deprived of Namibian citizenship by such legislation.  
(9) Parliament shall be entitled to make further laws not inconsistent with this  
Constitution regulating the acquisition or loss of Namibian citizenship.

### Chapter III Fundamental Human Rights and Freedoms

#### Article 5 [Protection of Fundamental Rights and Freedoms]

The fundamental rights and freedoms enshrined in this chapter shall be  
respected and upheld by the Executive, Legislature and Judiciary and all  
organs of the Government and its agencies and, where applicable to them, by  
all natural and legal persons in Namibia, and shall be enforceable by the  
Courts in the manner hereinafter prescribed.

#### Article 6 [Protection of Life]

The right to life shall be respected and protected. No law may prescribe death  
as a competent sentence. No Court or Tribunal shall have the power to  
impose a sentence of death upon any person. No executions shall take place  
in Namibia.

#### Article 7 [Protection and Liberty]

No persons shall be deprived of personal liberty except according to  
procedures established by law.

#### Article 8 [Respect for Human Dignity]

- (1) The dignity of all persons shall be inviolable.
- (2)(a) In any judicial proceedings or in other proceedings before any organ of  
the State, and during the enforcement of a penalty, respect for human dignity  
shall be guaranteed.
- (b) No persons shall be subject to torture or to cruel, inhuman or degrading  
treatment or punishment.

#### Article 9 [Slavery and Forced Labour *{Labor}*]

- (1) No persons shall be held in slavery or servitude.
- (2) No persons shall be required to perform forced labour *{labor}*.
- (3) For the purposes of this article, the expression "forced labour" shall not  
include:
  - a) any labour required in consequence of a sentence or order of a Court;
  - b) any labour required of persons while lawfully detained which, though not  
required in consequence of a sentence or order of a Court, is reasonably  
necessary in the interests of hygiene;
  - c) any labour required of members of the defence force, the police force and



the prison service in pursuance of their duties as such or, in the case of persons who have conscientious objections to serving as members of the defence force, any labour which they are required by law to perform in place of

such service;

d) any labour required during any period of public emergency or in the event of any other emergency or calamity which threatens the life and well-being of the community, to the extent that requiring such labour is reasonably justifiable in the circumstances of any situation arising or existing during that period or as a result of that other emergency or calamity, for the purpose of dealing with that situation;

e) any labour reasonably required as part of reasonable and normal communal or other civic obligations.

#### Article 10 [Equality and Freedom from Discrimination]

(1) All persons shall be equal before the law.

(2) No persons may be discriminated against on the grounds of sex, race, colour {color}, ethnic origin, religion, creed or social or economic status.

#### Article 11 [Arrest and Detention]

(1) No persons shall be subject to arbitrary arrest or detention.

(2) No persons who are arrested shall be detained in custody without being informed promptly in a language they understand of the grounds for such arrest.

(3) All persons who are arrested and detained in custody shall be brought before the nearest Magistrate or other judicial officer within a period of forty-eight (48) hours of their arrest or, if this is not reasonably possible, as soon as possible thereafter, and no such persons shall be detained in custody beyond such period without the authority of a Magistrate or other judicial officer.

(4) Nothing contained in Paragraph (3) shall apply to illegal immigrants held in custody under any law dealing with illegal immigration: provided that such persons shall not be deported from Namibia unless deportation is authorised by a Tribunal empowered by law to give such authority.

(5) No persons who have been arrested and held in custody as illegal immigrants shall be denied the right to consult confidentially legal practitioners of their choice, and there shall be no interference with this right except such as is in accordance with the law and is necessary in a democratic society in the interest of national security or for public safety.

#### Article 12 [Fair Trial]

(1)(a) In the determination of their civil rights and obligations or any criminal charges against them, all persons shall be entitled to a fair and public hearing

by an independent, impartial and competent Court or Tribunal established by law: provided that such Court or Tribunal may exclude the press and/or the public from all or any part of the trial for reasons of morals, the public order or national security, as is necessary in a democratic society.

(b) A trial referred to in Paragraph (a) shall take place within a reasonable time, failing which the accused shall be released.

(c) Judgments in criminal cases shall be given in public, except where the interests of juvenile persons or morals otherwise require.

(d) All persons charged with an offence shall be presumed innocent until proven guilty according to law, after having had the opportunity of calling witnesses and cross-examining those called against them.

(e) All persons shall be afforded adequate time and facilities for the preparation and presentation of their defence, before the commencement of and during their trial, and shall be entitled to be defended by a legal practitioner of their choice.

(f) No persons shall be compelled to give testimony against themselves or their spouses, who shall include partners in a marriage by customary law, and no Court shall admit in evidence against such persons testimony which has been obtained from such persons in violation of Article 8(2)(b).

(2) No persons shall be liable to be tried, convicted or punished again for any criminal offence for which they have already been convicted or acquitted according to law: provided that nothing in this paragraph shall be construed as changing the provisions of the common law defence of "previous acquittal" and "previous conviction".

(3) No persons shall be tried or convicted for any criminal offence or on account of any act or omission which did not constitute a criminal offence at the time when it was committed, nor shall a penalty be imposed exceeding that which was applicable at the time when the offence was committed.

#### Article 13 [Privacy]

(1) No persons shall be subject to interference with the privacy of their homes, correspondence or communications save as in accordance with law and as is necessary in a democratic society in the interests of national security, public safety of the economic well-being of the country, for the protection of health or morals, for the prevention of disorder or crime or for the protection of the rights or freedoms of others.

(2) Searchers of the person or the homes of individuals shall only be justified:

a) where these are authorised by a competent judicial officer;

b) in cases where delay in obtaining such judicial authority carries with it the danger or prejudicing the objects of the search or the public interest, and such procedures as are prescribed by Act of Parliament to preclude abuse are properly satisfied.

#### Article 14 [Family]

- (1) Men and women of full age, without any limitation due to race, colour, ethnic origin, nationality, religion, creed or social or economic status shall have the right to marry and to found a family. They shall be entitled to equal rights as to marriage, during marriage and at its dissolution.
- (2) Marriage shall be entered into only with the free and full consent of the intending spouses.
- (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

#### Article 15 [Children's Rights]

- (1) Children shall have the right from birth to a name, the right to acquire a nationality and, subject to legislation enacted in the best interests of children, as far as possible the right to know and be cared for by their parents.
- (2) Children are entitled to be protected from economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education, or to be harmful to their health or physical, mental, spiritual, moral, or social development. For the purposes of this paragraph children shall be under the age of sixteen (16) years.
- (3) No children under the age of fourteen (14) years shall be employed to work in any factory or mine, save under conditions and circumstances regulated by Act of Parliament. Nothing in this paragraph shall be construed as derogating in any way from Paragraph (2).
- (4) Any arrangement or scheme employed on any farm or other undertaking, the object or effect of which is to compel the minor children of an employee to work for or in the interest of the employer of such employee, shall for the purposes of Article 9 be deemed to constitute an arrangement or scheme to compel the performance of forced labour *{labor}*.
- (5) No law authorising preventive detention shall permit children under the age of sixteen (16) years to be detained.

#### Article 16 [Property]

- (1) All persons shall have the right in any part on Namibia to acquire, own and dispose of all forms of immovable and movable property individually or in association with others and to bequeath their property to their heirs or legatees: provided that Parliament may by legislation prohibit or regulate as it deems expedient the right to acquire property by persons who are not Namibian citizens.
- (2) The State or a competent body or organ authorised by law may expropriate property in the public interest subject to the payment of just compensation, in accordance with requirements and procedures to be determined by Act of Parliament.

## Article 17 {...}

### Article 18 [Administrative Justice]

Administrative bodies and administrative officials shall act fairly and reasonably and comply with the requirements imposed upon such bodies and officials by common law and any relevant legislation, and persons aggrieved by the exercise of such acts and decisions shall have the right to seek redress before a competent Court or Tribunal.

### Article 19 [Culture]

Every person shall be entitled to enjoy, practice, profess, maintain and promote any culture, language, tradition or religion subject to the terms of this Constitution and further subject to the condition that the rights protected by this article do not impinge upon the rights of others or the national interest.

### Article 20 [Education]

(1) All persons shall have the right to education.

(2) Primary education shall be compulsory and the State shall provide reasonable facilities to render effective this right for every resident within Namibia, by establishing and maintaining State schools at which primary education will be provided free of charge.

(3) Children shall not be allowed to leave school until they have completed their primary education or have attained the age of sixteen (16) years, whichever is the sooner, save in so far as this may be authorised by Act of Parliament on grounds of health or other considerations pertaining to the public interest.

(4) All persons shall have the right, at their own expense, to establish and to maintain private schools, or colleges or other institutions of tertiary education: provided that:

a) such schools, colleges or institutions of tertiary education are registered with a Government department in accordance with any law authorising and regulating such registration;

b) the standards maintained by such schools, colleges or institutions of tertiary education are not inferior to the standards maintained in comparable schools, colleges or institutions of tertiary education funded by the State; c) no restrictions of whatever nature are imposed with respect to the admission of pupils based on race, colour *{color}* or creed; d) no restrictions of whatever nature are imposed with respect to the recruitment of staff based on race or colour *{color}*.

### Article 21 [Fundamental Freedoms]

(1) All persons shall have the right to: a) freedom of speech and expression, which shall include freedom of the press and other media; b) freedom of

thought, conscience and belief, which shall include academic freedom in institutions of higher learning; c) freedom to practice any religion and to manifest such practice; d) assemble peaceably and without arms; e) freedom of association, which shall include freedom to form and join associations or unions, including trade unions and political parties; f) withhold their labour *{labor}* without being exposed to criminal penalties; g) move freely throughout Namibia; h) reside and settle in any part of Namibia; i) leave and return to Namibia; j) practice any profession, or carry on any occupation, trade or business.

(2) The fundamental freedoms referred to in Paragraph (1) shall be exercised subject to the law of Namibia, in so far as such law imposes reasonable restrictions on the exercise of the rights and freedoms conferred by the said Paragraph, which are necessary in a democratic society and are required in the interests of the sovereignty and integrity of Namibia, national security, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.

#### Article 22 [Limitation upon Fundamental Rights and Freedoms]

Whenever or wherever in terms of this Constitution the limitation of any fundamental rights or freedoms contemplated by this chapter is authorised, any law providing for such limitation shall: a) be of general application, shall not negate the essential content, and shall not be aimed at a particular individual;

b) specify the ascertainable extent of such limitation and identify the article or articles on which authority to enact such limitation is claimed to rest.

#### Article 23 [Apartheid and Affirmative Action]

(1) The practice of racial discrimination and the practice and ideology of apartheid from which the majority of the people of Namibia have suffered for so long shall be prohibited and by Act of Parliament such practices, and the propagation of such practices, may be rendered criminally punishable by the ordinary Courts by means of such punishment as Parliament deems necessary for the purposes of expressing the revulsion of the Namibian people at such practices.

(2) Nothing contained in Article 10 shall prevent Parliament from enacting legislation providing directly or indirectly for the advancement of persons within Namibia who have been socially, economically or educationally disadvantaged by past discriminatory laws or practices, or for the implementation of policies and programmes aimed at redressing social, economic or educational imbalances in the Namibian society arising out of past discriminatory laws or practices, or for achieving a balanced structuring of the public service, the police force, the defence force, and the prison service.

(3) In the enactment of legislation and the application of any policies and practices contemplated by Paragraph (2), it shall be permissible to have regard to the fact that women in Namibia have traditionally suffered special discrimination and that they need to be encouraged and enabled to play a full, equal and effective role in the political, social, economic and cultural life of the nation.

#### Article 24 [Derogation]

(1) Nothing contained in or done under the authority of Article 26 shall be held to be inconsistent with or in contravention of this Constitution to the extent that it authorises the taking of measures during any period when Namibia is in a state of national defence or any period when a declaration of emergency under this Constitution is in force.

(2) Where any persons are detained by virtue of such authorization as is referred to in Paragraph (1), the following provisions shall apply:

a) they shall, as soon as reasonably practicable and in any case not more than five (5) days after the commencement of their detention, be furnished with a statement in writing in a language that they understand specifying in detail the grounds upon which they are detained and, at their request, this statement shall be read to them;

b) not more than fourteen (14) days after the commencement of their detention, be furnished with a statement in writing in a language that they understand specifying in detail the grounds upon which they are detained and, at their request, this statement shall be read to them; c) not more than one (1) month after the commencement of their detention and thereafter during their detention at intervals of not more than three (3) months, their cases shall be reviewed by the Advisory Board referred to in Article 26 (5)(c), which shall order their release from detention if it is satisfied that it is not reasonably necessary for the purposes of the emergency to continue the detention of such persons; d) they shall be afforded such opportunity for the making of representations as may be desirable or expedient in the circumstances, having regard to the public interest and the interests of the detained persons.

(3) Nothing contained in this article shall permit a derogation from or suspension of the fundamental rights or freedoms referred to in Articles 5, 6, 8, 9, 10, 12, 14, 15, 18, 19 and 21 (1)(a), (b), (c), and (e), or the denial of access by any persons to legal practitioners or a Court of law.

#### Article 25 [Enforcement of Fundamental Rights and Freedoms]

(1) Save in so far as it may be authorised to do so by this Constitution, Parliament or any subordinate legislative authority shall not make any law, and the Executive and the agencies of Government shall not take any action which abolishes or abridges the fundamental rights and freedoms conferred

by this chapter, and any law or action in contravention thereof shall to the extent of the contravention be invalid; provided that:

a) a competent Court, instead of declaring such law or action to be invalid, shall have the power and the discretion in an appropriate case to allow Parliament, any subordinate legislative authority, or the Executive and the agencies of Government, as the case may be, to correct any defect in the impugned law or action within a specified period, subject to such conditions as may be specified by it. In such event and until such correction, or until the expiry of the time limit set by the Court, whichever be the shorter, such impugned law or action shall be deemed to be valid;

b) any law which was in force immediately before the date of Independence shall remain in force until amended, repealed or declared unconstitutional, it may either set aside the law, or allow Parliament to correct any defect in such law, in which event the provisions of Paragraph (a) shall apply.

(2) Aggrieved persons who claim that a fundamental right or freedom guaranteed by this Constitution has been infringed or threatened shall be entitled to approach a competent Court to enforce or protect such a right or freedom, and may approach the Ombudsman to provide them with such legal assistance or advice as they require, and the Ombudsman shall have the discretion in response thereto to provide such legal or other assistance as he or she may consider expedient.

(3) Subject to the provisions of this Constitution, the Court referred to in Paragraph (2) shall have the power to make all such orders as shall be necessary and appropriate to secure such applicants the enjoyment of the rights of freedoms conferred on them under the provisions of this Constitution, should the Court come to the conclusion that such rights or freedoms have been unlawfully denied or violated, or that grounds exist for the protection of such rights or freedoms by interdict.

(4) The power of the Court shall include the power to award monetary compensation in respect of any damage suffered by the aggrieved persons in consequence of such unlawful denial or violation of their fundamental rights and freedoms, where it considers such an award to be appropriate in the circumstances of particular cases.

#### Chapter IV Public Emergency, State of National Defence and Martial Law

##### Article 26 [State of Emergency, State of National Defence and Martial Law]

(1) At a time of national disaster or during a state of national defence or public emergency threatening the life of the nation or the constitutional order, the President may by Proclamation in the Gazette declare that a state of emergency exists in Namibia or any part thereof.

(2) A declaration under Paragraph (1), if not sooner revoked, shall cease to have effect:

a) in the case of a declaration made when the National Assembly is sitting or

has been summoned to meet, at the expiration of a period of seven (7) days after publication of the declaration; or

b) in any other case, at the expiration of a period of thirty (30) days after publication of the declaration;

unless before the expiration of that period, it is approved by a resolution passed by the National Assembly by a two-thirds majority of all its members.

(3) Subject to the provisions of Paragraph (4), a declaration approved by a resolution of the National Assembly under Paragraph (2) shall continue to be in force until the expiration of a period of six (6) months after being so approved or until such earlier date as may be specified in the resolution: provided that the National Assembly may, by resolution by a two-thirds majority of all its members, extend its approval of the declaration for periods of not more than six (6) months at a time.

(4) The National Assembly may by resolution at any time revoke a declaration approved by it in terms of this article.

(5)(a) During a state of emergency in terms of this article or when a state of national defence prevails, the President shall have the power by Proclamation to make such regulations as in his or her opinion are necessary for the protection of national security, public safety and the maintenance of law and order.

(b) The powers of the President to make such regulations shall include the power to suspend the operation of any rule of the common law or statute or any fundamental right or freedom protected by this Constitution, for such period and subject to such conditions as are reasonably justifiable for the purpose of dealing with the situation which has given rise to the emergency: provided that nothing in this paragraph shall enable the President to act contrary to the provisions of Article 24.

(c) Where any regulation made under Paragraph (b) provides for detention without trial, provision shall also be made for an Advisory Board, to be appointed by the President on the recommendation of the Judicial Service Commission, and consisting of no more than five (5) persons, of whom no fewer than three (3) persons shall be Judges of the Supreme Court or the High Court or qualified to be such. The Advisory Board shall perform the function set out in Article 24 (2)(c).

(6) Any regulations made by the President pursuant to the provisions of Paragraph (5) shall cease to have legal force if they have not been approved by a resolution of the National Assembly within fourteen (14) days from the date when the

National Assembly first sits in session after the date of the commencement of any such regulations.

(7) The President shall have the power to proclaim or terminate martial law. Martial law may be proclaimed only when a state of national defence involving another country exists or when civil war prevails in Namibia: provided that any proclamation of martial law shall cease to be valid if it is not approved within a



reasonable time by a resolution passed by a two-third majority of all the members of the National Assembly.

## Chapter V The President

### Article 27 [Head of State and Government]

- (1) The President shall be the Head of State and of the Government and the Commander-in-Chief of the Defence Force.
- (2) The executive power of the Republic of Namibia shall vest in the President and the Cabinet.
- (3) Except as may be otherwise provided in this Constitution or by law, the President shall in the exercise of her functions be obliged to act in consultation with the Cabinet.

### Article 28 [Election]

- (1) The President shall be elected in accordance with the provisions of this Constitution and subject thereto.
- (2) Election of the President shall be:
  - a) by direct, universal and equal suffrage; and
  - b) conducted in accordance with principles and procedures to be determined by Act of Parliament: provided that no person shall be elected as President unless he or she received more than fifty (50) per cent of the votes cast and the necessary number of ballots shall be conducted until result is reached.
- (3) Every citizen of Namibia by birth of descent, over the age of thirty-five (35) years, and who is eligible to be elected to office as a member of the National Assembly shall be eligible for election as President.
- (4) The procedures to be followed for the nomination of candidates for election as President, and for all matters necessary and incidental to ensure the free, fair and effective election of a President, shall be determined by Act of Parliament: provided that any registered political party shall be entitled to nominate a candidate, and any person supported by a minimum number of registered voters to be determined by Act of Parliament shall also be entitled to be nominated as a candidate.

### Article 29 [Term of Office]

- (1)(a) The President's term of office shall be five (5) years unless he or she dies or resigns before the expiry of the said term or is removed from office.  
(b) In the event of the dissolution of the National Assembly in the circumstances provided for under Article [57 \(1\)](#), the President's term of office shall also expire.
- (2) A President shall be removed from office if a two-thirds majority of all the members of the National Assembly, confirmed by a two-thirds majority of all

the members of the National Council, adopts a resolution impeaching the President on the ground that he or she has been guilty of a violation of the Constitution or guilty of a serious violation of the laws of the land or otherwise guilty of such gross misconduct or ineptitude as to render him or her unfit to hold with dignity and honour the office of President.

(3) A person shall hold office as President for not more than two terms.

(4) If a President dies, resigns or is removed from office in terms of this Constitution, the vacant office of President shall

be filled for the unexpired period thereof as follows: a) if the vacancy occurs not more than one (1) year before the date on which Presidential elections are required to be held, the vacancy shall be filled in accordance with the provisions of Article 34;

b) if the vacancy occurs not more than one (1) year before the date on which Presidential elections are required to be held, an election for the President shall be held in accordance with the provisions of Article 28 within a period of ninety (90) days from the date on which the vacancy occurred, and pending such election the vacant office shall be filled in accordance with the provisions of Article 34.

(5) If the President dissolves the National Assembly under Article 32 (3)(a) and 57 (1), a new election for President shall be held in accordance with the provisions of Article 28 within ninety (90) days, and pending such election the President shall remain in office, and the provisions of Article 58 shall be applicable.

(6) If a person becomes President under Paragraph (4), the period of time during which he or she holds office consequent upon such election or succession shall not be regarded as a term for the purposes of Paragraph (3).

#### Article 30 [Oath or Affirmation]

Before formally assuming office, a President-elect shall make the following oath or affirmation which shall be administered by the Chief Justice or a Judge designated by the Chief Justice for this purpose:

*"I, ..., do hereby swear/solemnly affirm,*

*That I will strive to the best of my ability to uphold, protect and defend as the Supreme Law the Constitution of the Republic of Namibia, and faithfully to obey, execute and administer the laws of the Republic of Namibia;*

*That I will protect the independence, sovereignty, territorial integrity and the material and spiritual resources of the Republic of Namibia; and*

*That I will endeavour {endeavour} to the best of my ability to ensure justice for all the inhabitants of the Republic of Namibia.*

*(In the case of an oath:) So help me God."*

#### Article 31 [Immunity from Civil and Criminal Proceedings]

(1) No person holding the office of President or performing the functions of President may be sued in any civil proceedings save where such proceedings

concern an act done in his or her official capacity as President.

(2) No person holding the office of President shall be charged with any criminal offence or be amenable to the criminal jurisdiction of any Court in respect of any act allegedly performed, or any omission to perform any act, during his or her tenure of office as President.

(3) After a President has vacated that office:

a) no Court may entertain any action against him or her in any civil proceedings in respect of any act done in his or her official capacity as President;

b) a civil or criminal Court shall only have jurisdiction to entertain proceedings against him or her, in respect of acts of commission or omission alleged to have been perpetrated in his or her personal capacity whilst holding office as President, if Parliament by resolution has removed the President on the grounds specified in this Constitution and if a resolution is adopted by Parliament resolving that any such proceedings are justified in the public interest notwithstanding any damage such proceedings might cause to the dignity of the office of President.

#### Article 32 [Functions, Powers and Duties]

(1) As the Head of State, the President shall uphold, protect and defend the Constitution as the Supreme Law, and shall perform with dignity and leadership all acts necessary, expedient, reasonably and incidental to the discharge of the executive functions of the Government, subject to the overriding terms of this Constitution and the laws of Namibia, which he or she is constitutionally obliged to protect, to administer and to execute.

(2) In accordance with the responsibility of the executive branch of Government to the legislative branch, the President and the Cabinet shall each year during the consideration of the official budget attend Parliament. During such session the President shall address Parliament on the state of the nation and on the future policies of the Government, shall report on the policies of the previous year and shall be available to respond to questions.

(3) Without derogating from the generality of the functions and powers contemplated by Paragraph (1), the President shall preside over meetings of the Cabinet and shall have the power, subject to this Constitution to: a) dissolve the National Assembly by Proclamation in the circumstances provided for in Article 57 (1);

b) determine the times for the holding of special sessions of the National Assembly, and to prorogue such sessions;

c) accredit, receive and recognise ambassadors, and to appoint ambassadors, plenipotentiaries, diplomatic representatives and other diplomatic officers, consuls and consular officers;

d) pardon or reprieve offenders, either unconditionally or subject to such conditions as the President may deem fit;

e) negotiate and sign international agreements, and to delegate such power;

f) declare martial law or, if it is necessary for the defence of the nation, declare that a state of national defence exists: provided that this power shall be exercised subject to the terms of Article 26 (7);

g) establish and dissolve such Government departments and ministries as the President may at any time consider to be necessary or expedient for the good government of Namibia; h) confer such honours *{honors}* as the President considers appropriate on citizens, residents and friends of Namibia in consultation with interested and relevant persons and institutions; i) appoint the following persons:

- aa) the Prime Minister;
- bb) Ministers and Deputy-Ministers;
- cc) the Attorney-General;
- dd) the Director-General of Planning;
- ee) any other person or persons who are required by any other provision of this Constitution or any other law to be appointed by the President.

(4) The President shall also have the power, subject to this Constitution, to appoint:

- a) on the recommendation of the Judicial Service Commission:
  - aa) the Chief Justice, the Judge-President of the High Court and other Judges of the Supreme Court and the High Court;
  - bb) the Ombudsman;
  - cc) the Prosecutor-General;
- b) on the recommendation of the Public Service Commission:
  - aa) the Auditor-General;
  - bb) the Governor and the Deputy-Governor of the Central Bank;
- c) on the recommendation of the Security Commission:
  - aa) the Chief of the Defence Force;
  - bb) the Inspector-General of Police;
  - cc) the Commissioner of Prisons.

(5) Subject to the provisions of this Constitution dealing with the signing of any laws passed by Parliament and the promulgation and publication of such laws in the Gazette, the President shall have the power to:

- a) sign and promulgate any Proclamation which by law he or she is entitled to proclaim as President;
- b) initiate, in so far as he or she considers it necessary and expedient, laws for submission to and consideration by the National Assembly;
- c) appoint as members of the National Assembly but without any vote therein, not more than six (6) persons by virtue of their special expertise, status, skill or experience.

(6) Subject to the provisions of this Constitution or any other law, any person appointed by the President pursuant to the powers vested in him or her by this Constitution or any other law may be removed by the President by the same process through which such person was appointed.

(7) Subject to the provisions of this Constitution and of any other law of application in this matter, the President may, in consultation with the Cabinet

and on the recommendation of the Public Service Commission:

a) constitute any office in the public service of Namibia not otherwise provided for by any other law;

b) appoint any person to such office;

c) determine the tenure of any person so appointed as well as the terms and conditions of his or her service.

(8) All appointments made and actions taken under Paragraph (3), (4), (5), (6) and (7) shall be announced by the President by Proclamation in the Gazette.

(9) Subject to the provisions of this Constitution and save where this Constitution otherwise provides, any action taken by the President pursuant to any power vested in the President by the terms of this article shall be capable of being reviewed, reversed or corrected on such terms as are deemed expedient and proper should there be a resolution proposed by at least one-third of all the members of the National Assembly and passed by a two-thirds majority of all the members of the National Assembly disapproving any such action and resolving to review, reverse or correct it.

(10) Notwithstanding the review, reversal or correction of any action in terms of Paragraph (9), all actions performed pursuant to any such action during the period preceding such review, reversal or correction shall be deemed to be valid and effective in law, until and unless Parliament otherwise enacts.

#### Article 33 [Remuneration]

Provision shall be made by Act of Parliament for the payment out of the State Revenue Fund of remuneration and allowances for the President, as well as for the payment of pensions to former Presidents and, in the case of their deaths, to their surviving spouses.

#### Article 34 [Succession]

(1) If the office of President becomes vacant or if the President is otherwise unable to fulfil the duties of the office, the following persons shall in the order provided for in this paragraph act as President for the unexpired portion of the President's term of office or until the President is able to resume office, whichever is the earlier:

a) the Prime Minister;

b) the Deputy-Prime Minister;

c) a person appointed by the Cabinet.

(2) Where it is regarded as necessary or expedient that a person deputise for the President because of a temporary absence from the country or because of pressure of work, the President shall be entitled to nominate any person enumerated in Paragraph (1) to deputise for him or her in respect of such specific occasions

or such specific matters and for such specific periods as in his or her discretion may be considered wise and expedient, subject to consultation with the Cabinet.

## Chapter VI The Cabinet

### Article 35 [Composition]

- (1) The Cabinet shall consist of the President, the Prime Minister and such other Ministers as the President may appoint from the members of the National Assembly, including members nominated under Article 46 (1)(b), for the purposes of administering and executing the functions of the Government.
- (2) The President may also appoint a Deputy-Prime Minister to perform such functions as may be assigned to him or her by the President of the Prime Minister.
- (3) The President or, in his or her absence, the Prime Minister or other Minister designated for this purpose by the President, shall preside at meetings of the Cabinet.

### Article 36 [Functions of the Prime Minister]

The Prime Minister shall be the leader of Government business in Parliament, shall co-ordinate the work of the Cabinet and shall advise and assist the President in the execution of the functions of Government.

### Article 37 [Deputy-Ministers]

The President may appoint from the members of the National Assembly, including members nominated under Article 46 (1)(b), and the National Council such Deputy-Ministers as he or she may consider expedient, to exercise or perform on behalf of Ministers any of the powers, functions and duties which may have been assigned to such Ministers.

### Article 38 [Oath of Affirmation]

Before assuming office, a Minister or Deputy-Minister shall make and subscribe to an oath or solemn affirmation before the President or a person designated by the President for this purpose, in the terms set out in Schedule 2.

### Article 39 [Vote of No Confidence]

The President shall be obliged to terminate the appointment of any member of the Cabinet, if the National Assembly by a majority of all its members resolves that it has no confidence in that member.

### Article 40 [Duties and Functions]

The members of the Cabinet shall have the following functions:

a) to direct, co-ordinate and supervise the activities of Ministries and Government departments including para-statal enterprises, and to review and advise the President and the National Assembly on the desirability and wisdom of any prevailing subordinate legislation, regulations or orders pertaining to such para-statal enterprises, regard being had to the public

interest;

b) to initiate bills for submission to the National Assembly;

c) to formulate, explain and assess for the National Assembly the budget of the State and its economic development plans and to report to the National Assembly thereon;

d) to carry out such other functions as are assigned to them by law or are incidental to such assignment;

e) to attend meetings of the National Assembly and to be available for the purposes of any queries and debates pertaining to the legitimacy, wisdom, effectiveness and direction of Government policies; f) to take such steps as are authorised by law to establish such economic organisations

{*organizations*}, institutions and para- statal enterprises on behalf of the State as are directed or authorised by law;

g) to formulate, explain and analyze for the members of the National Assembly the goals of Namibian foreign policy and its relations with other States and to report to the National Assembly thereon;

h) to formulate, explain and analyze for the members of the National Assembly the directions and content of foreign trade policy and to report to the National Assembly thereon;

i) to assist the President in determining what international agreements are to be concluded, acceded to or succeeded to and to report to the National Assembly thereon;

j) to advise the President on the state of national defence and the maintenance of law and order and to inform the National Assembly thereon;

k) to issue notices, instructions and directives to facilitate the implementation and administration of laws administered by the Executive, subject to the terms of this Constitution or any other law;

l) to remain vigilant and vigorous for the purposes of ensuring that the scourges of apartheid, tribalism and colonialism do not again manifest themselves in any form in a free and independent Namibia and to protect and assist disadvantaged citizens of Namibia who have historically been the victims of these pathologies.

#### Article 41 [Ministerial Accountability]

All Ministers shall be accountable individually for the administration of their own Ministries and collectively for the administration of the work of the Cabinet, both to the President and to Parliament.

#### Article 42 [Outside Employment]

(1) During their tenure of office as members of the Cabinet, Ministers may not take up any other paid employment, engage in activities inconsistent with the positions as Ministers, or expose themselves to any situation which carries with it the risk of a conflict developing between their interests as Ministers and their private interests.

(2) No members of the Cabinet shall use their positions as such or use information entrusted to them confidentially as such members of the Cabinet, directly or indirectly to enrich themselves.

#### Article 43 [Secretary to the Cabinet]

(1) There shall be a Secretary to the Cabinet who shall be appointed by the President and who shall perform such functions as may be determined by law and such functions as are from time to time assigned to the Secretary by the President or the Prime Minister. Upon appointment by the President, the Secretary shall be deemed to have been appointed to such office on the recommendation of the Public Service Commission.

(2) The Secretary to the Cabinet shall also serve as a depository of the records, minutes and related documents of the Cabinet.

### Chapter VII The National Assembly

#### Article 44 [Legislative Power]

The legislative power of Namibia shall be vested in the National Assembly with the power to pass laws with the assent of the President as provided in this Constitution subject, where applicable, to the powers and functions of the National Council as set out in this Constitution.

#### Article 45 [Representative Nature]

The members of the National Assembly shall be representative of all the people and shall in the performance of their duties be guided by the objectives of this Constitution, by the public interest and by their conscience.

#### Article 46 [Composition]

(1) The composition of the National Assembly shall be as follows: a) seventy-two (72) members to be elected by the registered voters by general, direct and secret ballot. Every Namibian citizen who has the qualifications described in Article 17 shall be entitled to vote in the elections for members of the National Assembly and, subject to Article 47, shall be eligible for candidature as a member of the National Assembly; b) not more than six (6) persons appointed by the President under Article 32 (5)(c), by virtue of their special expertise, status, skill or experience: provided that such members shall have no vote in the National Assembly, and shall not be taken into account for the purpose of determining any specific majorities that are required under this Constitution or any other law.

(2) Subject to the principles referred to in Article 49, the members of the National Assembly referred to in Paragraph (1)(a) shall be elected in accordance with procedures to be determined by Act of Parliament.



#### Article 47 [Disqualification of Members]

- (1) No persons may become members of the National Assembly if they:
- a) have at any time after Independence been convicted of any offence in Namibia, or outside Namibia if such conduct would have constituted an offence within Namibia, and for which they have been sentenced to death or to imprisonment of more than twelve (12) months without the option of a fine, unless they have received a free pardon or unless such imprisonment has expired at least ten (10) years before the date of their election; or
  - b) have at any time prior to Independence been convicted of an offence, if such conduct would have constituted an offence within Namibia after Independence, and for which they have been sentenced to death or to imprisonment of more than twelve (12) months without the option of a fine, unless they have received a free pardon or unless such imprisonment has expired at least ten (10) years before the date of their election: provided that no person sentenced to death or imprisonment for acts committed in connection with the struggle for the independence of Namibia shall be disqualified under this paragraph from being elected as a member of the National Assembly; or
  - c) are unrehabilitated insolvents; or
  - d) are of unsound mind and have been so declared by a competent Court; or
  - e) are remunerated members of the public service of Namibia; or
  - f) are members of the National Council, Regional Councils or Local Authorities.

(2) For the purpose of Paragraph (1):

- a) no person shall be considered as having been convicted by any Court until any appeal which might have been noted against the conviction or sentence has been determined, or the time for noting an appeal against such conviction has expired;
- b) the public service shall be deemed to include the defence force, the police force, the prison service, para-statal enterprises, Regional Councils and Local Authorities.

#### Article 48 [Vacation of Seats]

- (1) Members of the National Assembly shall vacate their seats:
- a) if they cease to have the qualifications which rendered them eligible to be members of the National Assembly;
  - b) if the political party which nominated them to sit in the National Assembly informs the Speaker that such members are no longer members of such political party;
  - c) if they resign their seats in writing addressed to the Speaker;
  - d) if they are removed by the National Assembly pursuant to its rules and standing orders permitting or requiring such removal for good and sufficient reasons;

e) if they are absent during sittings of the National Assembly for ten (10) consecutive sitting days, without having obtained the special leave of the National Assembly on grounds specified in its rules and standing orders.  
(2) If the seat of a member of the National Assembly is vacated in terms of Paragraph (1), the political party which nominated such member to sit in the National Assembly shall be entitled to fill the vacancy by nominating any person on the party's election list compiled for the previous general election, or if there be no such person, by nominating any member of the party.

#### Article 49 [Elections]

The election of members in terms of Article 46 (1)(a) shall be on party lists and in accordance with the principles of proportional representation as set out in Schedule 4.

#### Article 50 [Duration]

Every National Assembly shall continue for a maximum period of five (5) years, but it may before the expiry of its term be dissolved by the President by Proclamation as provided for in Article 32 (3)(a) and 57 (1).

#### Article 51 [Speaker]

(1) At the first sitting of a newly elected National Assembly, the National Assembly, with the Secretary acting as Chairperson, shall elect a member as Speaker. The National Assembly shall then elect another member as Deputy-Speaker. the Deputy-Speaker shall act as Speaker whenever the Speaker is not available.

(2) The Speaker or Deputy-Speaker shall cease to hold office if he or she ceases to be a member of the National Assembly. The Speaker or Deputy-Speaker may be removed from office by resolution of the National Assembly, and may resign from office or from the National Assembly in writing addressed to the Secretary of the National Assembly.

(3) When the office of Speaker or Deputy-Speaker becomes vacant the National Assembly shall elect a member to fill the vacancy.

(4) When neither the Speaker nor the Deputy-Speaker is available for duty, the National Assembly, with the Secretary acting as Chairperson, shall elect a member to act as Speaker.

#### Article 52 [Secretary and other Officers]

(1) Subject to the provisions of the laws pertaining to the public service and the directives of the National Assembly, the Speaker shall appoint a person (or designate a person in the public service made available for that purpose), as the Secretary of the National Assembly, who shall perform the functions and duties assigned to such Secretary by this Constitution or by the Speaker.

(2) Subject to the laws governing the control of public monies, the Secretary

shall perform his or her functions and duties under the control of the Speaker.  
(3) The Secretary shall be assisted by officers of the National Assembly who shall be persons in the public service made available for that purpose.

#### Article 53 [Quorum]

The presence of at least thirty-seven (37) members of the National Assembly entitled to vote, other than the Speaker or the presiding member, shall be necessary to constitute a meeting of the National Assembly for the exercise of its powers and the performance of its functions.

#### Article 54 [Casting Vote]

In the case of an equality of votes in the National Assembly, the Speaker or the Deputy-Speaker or the presiding member shall have and may exercise a casting vote.

#### Article 55 [Oath or Affirmation]

Every member of the National Assembly shall make and subscribe to an oath or solemn affirmation before the Chief Justice or a Judge designated by the Chief Justice for this purpose, in the terms set out in Schedule 3.

#### Article 56 [Assent to Bills]

(1) Every bill passed by Parliament in terms of this Constitution in order to acquire the status of an Act of Parliament shall require the assent of the President to be signified by the signing of the bill and the publication of the Act in the Gazette.

(2) Where a bill is passed by a majority of two-thirds of all the members of the National Assembly and has been confirmed by the National Council the President shall be obliged to give his or her assent thereto.

(3) Where a bill is passed by a majority of the members of the National Assembly but such majority consists of less than two-thirds of all the members of the National Assembly and has been confirmed by the National Council, but the President declines to assent to such bill, the President shall communicate such dissent to the Speaker.

(4) If the President has declined to assent to a bill under Paragraph (3), the National Assembly may reconsider the bill and, if it so decides, pass the bill in the form in which it was referred back to it, or in an amended form or it may decline to pass the bill. Should the bill then be passed by a majority of the National Assembly it will not require further confirmation by the National Council but, if the majority consists of less than two-thirds of all the members of the National Assembly, the President shall retain his or her power to withhold assent to the bill. If the President elects not to assent to the bill, it shall then lapse.

#### Article 57 [Dissolution]

(1) The National Assembly may be dissolved by the President on the advice of the Cabinet if the Government is unable to govern effectively.

(2) Should the National Assembly be dissolved a national election for a new National Assembly and a new President shall take place within a period of ninety (90) days from the date of such dissolution.

#### Article 58 [Conduct of Business after Dissolution]

Notwithstanding the provisions of Article [57](#):

a) every person who at the date of its dissolution was a member of the National Assembly shall remain a member of the National Assembly and remain competent to perform the functions of a member until the day immediately preceding the first polling day for the election held in pursuance of such dissolution;

b) the President shall have power to summon Parliament for the conduct of business during the period following such dissolution, up to and including the day immediately preceding the first polling day for the election held in pursuance of such dissolution, in the same manner and in all respects as if the dissolution had not occurred.

#### Article 59 [Rules of Procedure, Committees and Standing Orders]

(1) The National Assembly may make such rules of procedure for the conduct of its business and proceedings and may also make such rules for the establishing, functioning and procedures of committees, and formulate such standing orders, as may appear to it to be expedient or necessary.

(2) The National Assembly shall in its rules of procedure make provision for such disclosure as may be considered to be appropriate in regard to the financial or business affairs of its members.

(3) For the purpose of exercising its powers and performing its functions any committee of the National Assembly established in terms of Paragraph (1) shall have the power to subpoena persons to appear before it to give evidence on oath and to produce any documents required by it.

#### Article 60 [Duties, Privileges and Immunities of Members]

(1) The duties of the members of the National Assembly shall include the following:

a) all members of the National Assembly shall maintain the dignity and image of the National Assembly both during the sittings of the National Assembly as well as in their acts and activities outside the National Assembly;

b) all members of the National Assembly shall regard themselves as servants of the people of Namibia and desist from any conduct by which they seek improperly to enrich themselves or alienate themselves from the people.

- (2) A private members' bill may be introduced in the National Assembly if supported by one-third of all the members of the National Assembly.
- (3) Rules providing for the privileges and immunities of members of the National Assembly shall be made by Act of Parliament and all members shall be entitled to the protection of such privileges and immunities.

#### Article 61 [Public Access to Sittings]

- (1) Save as provided in Paragraph (2), all meetings of the National Assembly shall be held in public and members of the public shall have access to such meetings.
- (2) Access by members of the public in terms of Paragraph (1) may be denied if the National Assembly adopts a motion supported by two-thirds of all its members excluding such access to members of the public for specified periods or in respect of specified matters. Such a motion shall only be considered if it is supported by at least one-tenth of all the members of the National Assembly and the debate on such motion shall not be open to members of the public.

#### Article 62 [Sessions]

- (1) The National Assembly shall sit:
- a) at its usual place of sitting determined by the National Assembly, unless the Speaker directs otherwise on the grounds of public interest, security or convenience;
  - b) for at least two (2) sessions during each year, to commence and terminate on such dates as the National Assembly from time to time determines;
  - c) for such special sessions as directed by Proclamation by the President from time to time.
- (2) During such sessions the National Assembly shall sit on such days and during such times of the day or night as the National Assembly by its rules and standing orders may provide.
- (3) The day of commencement of any session of the National Assembly may be altered by Proclamation by the President, if the President is requested to do so by the Speaker on grounds of public interest or convenience.

#### Article 63 [Functions and Powers]

- (1) The National Assembly, as the principal legislative authority in and over Namibia, shall have the power, subject to this Constitution, to make and repeal laws for the peace, order and good government of the country in the best interest of the people of Namibia.
- (2) The National Assembly shall further have the power and function, subject to this Constitution: a) to approve budgets for the effective government and administration of the country; b) to provide for revenue and taxation;

- c) to take such steps as it considers expedient to uphold and defend this Constitution and the laws of Namibia and to advance the objectives of Namibian independence;
- d) to consider and decide whether or not to succeed to such international agreements as may have been entered into prior to Independence by administrations within Namibia in which the majority of the Namibian people have historically not enjoyed democratic representation and participation;
- e) to agree to the ratification of or accession to international agreements which have been negotiated and signed in terms of Article 32 (3)(e);
- f) to receive reports on the activities of the Executive, including para-statal enterprises, and from time to time to require any senior official to appear before any of the committees of the National Assembly to account for and explain his or her acts and programmes;
- g) to initiate, approve or decide to hold a referendum on matters of national concern;
- h) to debate and to advise the President in regard to any matters which by this Constitution the President is authorised to deal with;
- i) to remain vigilant and vigorous for the purpose of ensuring that the scourges of apartheid, tribalism and colonialism do not again manifest themselves in any form in a free and independent Namibia and to protect and assist disadvantaged citizens of Namibia who have historically been the victims of these pathologies;
- j) generally to exercise any other functions and powers assigned to it by this Constitution or any other law and any other functions incidental thereto.

#### Article 64 [Withholding of Presidential Assent]

- (1) Subject to the provisions of this Constitution, the President shall be entitled to withhold his or her assent to a bill approved by the National Assembly if in the President's opinion such bill would upon adoption conflict with the provisions of this Constitution.
- (2) Should the President withhold assent on the grounds of such opinion, he or she shall so inform the Speaker who shall inform the National Assembly thereof, and the Attorney-General, who may then take appropriate steps to have the matter decided by a competent Court.
- (3) Should such Court thereafter conclude that such bill is not in conflict with the provisions of this Constitution, the President shall assent to the said bill if it was passed by the National Assembly by a two-thirds majority of all its members. If the bill was not passed with such majority, the President may withhold his or her assent to the bill, in which event the provisions of Article 56 (3) and (4) shall apply.
- (4) Should such Court conclude that the disputed bill would be in conflict with any provisions of this Constitution, the said bill shall be deemed to have lapsed and the President shall not be entitled to assent thereto.

#### Article 65 [Signature and Enrolment of Acts]

- (1) When any bill has become an Act of Parliament as a result of its having been passed by Parliament, signed by the President and published in the Gazette, the Secretary of the National Assembly shall promptly cause two (2) fair copies of such Act in the English language to be enrolled in the office of the Registrar of the Supreme Court and such copies shall be conclusive evidence of the provisions of the Act.
- (2) The public shall have the right of access to such copies subject to such regulations as may be prescribed by Parliament to protect the durability of the said copies and the convenience of the Registrar's staff.

#### Article 66 [Customary and Common Law]

- (1) Both the customary law and the common law of Namibia in force on the date of Independence shall remain valid to the extent to which such customary or common law does not conflict with this Constitution or any other statutory law.
- (2) Subject to the terms of this Constitution, any part of such common law or customary law may be repealed or modified by Act of Parliament, and the application thereof may be confined to particular parts of Namibia or to particular periods.

#### Article 67 [Requisite Majorities]

Save as provided in this Constitution, a simple majority of votes cast in the National Assembly shall be sufficient for the passage of any bill or resolution of the National Assembly.

### Chapter VIII The National Council

#### Article 68 [Establishment]

There shall be a National Council which shall have the powers and functions set out in this Constitution.

#### Article 69 [Composition]

- (1) The National Council shall consist of two (2) members from each region referred to in Article 102, to be elected from amongst their members by the Regional Council for such region.
- (2) The elections of members of the National Council shall be conducted according to procedures to be prescribed by Act of Parliament.

#### Article 70 [Term of Office of Members]

- (1) Members of the National Council shall hold their seats for six (6) years

from the date of their election and shall be eligible for re-election.

(2) When a seat of a member of the National Council becomes vacant through death, resignation or disqualification, an election for a successor to occupy the vacant seat until the expiry of the predecessor's term of office shall be held, except in the instance where such vacancy arises less than six (6) months before the expiry of the term of the National Council, in which instance such vacancy need not be filled. Such election shall be held in accordance with the procedures prescribed by the Act of Parliament referred to in Article 69 (2).

#### Article 71 [Oath or Affirmation]

Every member of the National Council shall make and subscribe to an oath or solemn affirmation before the Chief

Justice, or a Judge designated by the Chief Justice for this purpose, in the terms set out in Schedule 3.

#### Article 72 [Qualifications of Members]

No person shall be qualified to be a member of the National Council if he or she is an elected member of a Local Authority, and unless he or she is qualified under Article 47 (1)(a) to (e) to be a member of the National Assembly

#### Article 73 [Chairperson and Vice-Chairperson]

The National Council shall, before proceeding to the dispatch of any other business, elect from its members a Chairperson and a Vice-Chairperson. The Chairperson, or in his or her absence the Vice-Chairperson, shall preside over sessions of the National Council. Should neither the Chairperson nor the Vice-

Chairperson be present at any session, the National Council shall elect from amongst its members a person to act as Chairperson in their absence during that session.

#### Article 74 [Powers and Functions]

(1) The National Council shall have the power to: a) consider in terms of Article 75 all bills passed by the National Assembly;

b) investigate and report to the National Assembly on any subordinate legislation, reports and documents which under law must be tabled in the National Assembly and which are referred to it by the National Assembly for advice;

c) recommend legislation on matters of regional concern for submission to and consideration by the National Assembly;

d) perform any other functions assigned to it by the National Assembly or by an Act of Parliament.

(2) The National Council shall have the power to establish committees and to



adopt its own rules and procedures for the exercise of its powers and the performance of its functions. A committee of the National Council shall be entitled to conduct all such hearings and collect such evidence as it considers necessary for the exercise of the National Council's powers of review and investigations, and for such purposes shall have the powers referred to in Article 59 (3).

(3) The National Council shall in its rules of procedure make provision for such disclosure as may be considered to be appropriate in regard to the financial or business affairs of its members.

(4) The duties of the members of the National Council shall include the following:

a) all members of the National Council shall maintain the dignity and image of the National Council both during the sittings of the National Council as well as in their acts and activities outside the National Council;

b) all members of the National Council shall regard themselves as servants of the people of Namibia and desist from any conduct by which they seek improperly to enrich themselves or alienate themselves from the people.

(5) Rules providing for the privileges and immunities of members of the National Council shall be made by Act of Parliament and all members shall be entitled to the protection of such privileges and immunities.

#### Article 75 [Review of Legislation]

(1) All bills passed by the National Assembly shall be referred by the Speaker to the National Council.

(2) The National Council shall consider bills referred to it under Paragraph (1) and shall submit reports thereon with its recommendations to the Speaker.

(3) If in its report to the Speaker the National Council confirms a bill, the Speaker shall refer it to the President to enable the President to deal with it under Articles 56 and 64.

(4) (a) If the National Council in its report to the Speaker recommends that the bill be passed subject to amendments proposed by it, such bill shall be referred by the Speaker back to the National Assembly.

(b) If a bill is referred back to the National Assembly under Paragraph (a), the National Assembly may reconsider the bill and may make any amendments thereto, whether proposed by the National Council or not. If the bill is again passed by the National Assembly, whether in the form in which it was originally passed, or in an amended form, the bill shall not again be referred to the National Council, but shall be referred by the Speaker to the President to enable it to be dealt with under Article 56 and 64.

(5) (a) If a majority of two-thirds of all the members of the National Council objects to the principle of a bill, this shall be mentioned in its report to the Speaker. In that event, the report shall also indicate whether or not the National Council proposes that amendments be made to the bill, if the principle of the bill is confirmed by the National Assembly under Paragraph

(b), and if amendments are proposed, details thereof shall be set out in the report.

(b) If the National Council in its report to the principle of the bill, the National Assembly shall be required to reconsider the principle. If upon such reconsideration the National Assembly reaffirms the principle of the bill by a majority of two-thirds of all its members, the principle of the bill shall no longer be an issue. If such two-thirds majority is not obtained in the National Assembly, the bill shall lapse.

(6) (a) If the National Assembly reaffirms the principle of the bill under Paragraph 5(b) by a majority of two-thirds of all its members, and the report of the National Council proposed that in such event amendments be made to the bill, the National Assembly shall then deal with the amendments proposed by the National Council, and in that event the provisions of Paragraph 4(b) shall apply *mutatis mutandis*.

(b) If the National Assembly reaffirms the principle of the bill under Paragraph 5(b) by a majority of two-thirds of all its members, and the report of the National Council did not propose that in such event amendments be made to the bill, the National Council shall be deemed to have confirmed the bill, and the Speaker shall refer the bill to the President to be dealt with under Articles 56 and 64.

(7) Paragraphs (5) and (6) shall not apply to bills dealing with the levying of taxes or the appropriation of public monies.

(8) The National Council shall report to the Speaker on all bills dealing with the levying of taxes or appropriations of public monies within thirty (30) days of the date on which such bills were referred to it by the Speaker, and on all other bills within three (3) months of the date of referral by the Speaker, failing which the National Council will be deemed to have confirmed such bills and the Speaker shall then refer them promptly to the President to enable the President to deal with the bills under Articles 56 and 64.

(9) If the President withholds his or her assent to any bill under Article 59 and the bill is then dealt with in terms of that article, and is again passed by the National Assembly in the form in which it was originally passed or in an amended form, such bill shall not again be referred to the National Council, but shall be referred by the Speaker directly to the President to enable the bill to be dealt with in terms of Articles 56 and 64.

#### Article 76 [Quorum]

The presence of a majority of the members of the National Council shall be necessary to constitute a meeting of the National Council for the exercise of its powers and the performance of its functions.

#### Article 77 [Voting]

Save as is otherwise provided in this Constitution, all questions in the National Council shall be determined by a majority of the votes cast by

members present other than the Chairperson, or in his or her absence the Vice-Chairperson or the member presiding at that session, who shall, however, have and may exercise a casting vote in the case of an equality of votes.

## Chapter IX The Administration of Justice

### Article 78 [The Judiciary]

(1) The judicial power shall be vested in the Courts of Namibia, which shall consist of: a) a Supreme Court of Namibia;

b) a High Court of Namibia;

c) Lower Courts of Namibia.

(2) The Courts shall be independent and subject only to this Constitution and the law.

(3) No member of the Cabinet or the Legislature or any other person shall interfere with Judges or judicial officers in the exercise of their judicial functions, and all organs of the State shall accord such assistance as the Courts may require to protect their independence, dignity and effectiveness, subject to the terms of this Constitution or any other law.

(4) The Supreme Court and the High Court shall have the inherent jurisdiction which vested in the Supreme Court of South-West Africa immediately prior to the date of Independence, including the power to regulate their own procedures and to make court rules for that purpose.

### Article 79 [The Supreme Court]

(1) The Supreme Court shall consist of a Chief Justice and such additional Judges as the President, acting on the recommendation of the Judicial Service Commission, may determine.

(2) The Supreme Court shall be presided over by the Chief Justice and shall hear and adjudicate upon appeals emanating from the High Court, including appeals which involve the interpretation, implementation and upholding of this Constitution and the fundamental rights and freedoms guaranteed thereunder. The Supreme Court shall also deal with matters referred to it for decision by the Attorney-General under this Constitution, and with such other matters as may be authorised by Act of Parliament.

(3) Three (3) Judges shall constitute a quorum of the Supreme Court when it hears appeals or deals with matters referred to it by the Attorney-General under this Constitution: provided that provision may be made by Act of Parliament for a lesser quorum in circumstances in which a Judge seized of an appeal dies or becomes unable to act at any time prior to judgment.

(4) The jurisdiction of the Supreme Court with regard to appeals shall be determined by Act of Parliament.

#### Article 80 [The High Court]

(1) The High Court shall consist of a Judge-President and such additional Judges as the President, acting on the recommendation of the Judicial Service Commission, may determine.

(2) The High Court shall have original jurisdiction to hear and adjudicate upon all civil disputes and criminal prosecutions, including cases which involve the interpretation, implementation and upholding of this Constitution and the fundamental rights and freedoms guaranteed thereunder. The High Court shall also

have jurisdiction to hear and adjudicate upon appeals from Lower Courts.

(3) The jurisdiction of the High Court with regard to appeals shall be determined by Act of Parliament.

#### Article 81 [Binding Nature of Decisions of the Supreme Court]

A decision of the Supreme Court shall be binding on all other Courts of Namibia and all persons in Namibia unless it is reversed by the Supreme Court itself, or is contradicted by an Act of Parliament lawfully enacted.

#### Article 82 [Appointment of Judges]

(1) All appointments of Judges to the Supreme Court and the High Court shall be made by the President on the recommendation of the Judicial Service Commission and upon appointment Judges shall make an oath or affirmation of office in the terms set out in Schedule 1.

(2) At the request of the Chief Justice the President may appoint Acting Judges of the Supreme Court to fill casual vacancies in the Court from time to time, or as ad hoc appointments to sit in cases involving constitutional issues or the guarantee of fundamental rights and freedoms, if in the opinion of the Chief Justice it is desirable that such persons should be appointed to hear such cases by reason of their special knowledge of or expertise in such matters.

(3) At the request of the Judge-President, the President may appoint Acting Judges of the High Court from time to time to fill casual vacancies in the Court, or to enable the Court to deal expeditiously with its work.

(4) All Judges, except Acting Judges, appointed under this Constitution shall hold office until the age of sixty-five (65) but the President shall be entitled to extend the retiring age of any Judge to seventy (70). It shall also be possible by Act of Parliament to make provision for retirement at ages higher than those specified in this article.

#### Article 83 [Lower Courts]

(1) Lower Courts shall be established by Act of Parliament and shall have the jurisdiction and adopt the procedures prescribed by such Act and regulations

made thereunder.

(2) Lower Courts shall be presided over by Magistrates or other judicial officers appointed in accordance with procedures prescribed by Act of Parliament.

#### Article 84 [Removal of Judges from Office]

(1) A Judge may be removed from office before the expiry of his or her tenure only by the President acting on the recommendation of the Judicial Service Commission.

(2) Judges may only be removed from office on the ground of mental incapacity or for gross misconduct, and in accordance with the provisions of Paragraph (3).

(3) The Judicial Service Commission shall investigate whether or not a Judge should be removed from office on such grounds, and if it decides that the Judge should be removed, it shall inform the President of its recommendation.

(4) If the deliberations of the Judicial Service Commission pursuant to this article involve the conduct of a member of the Judicial Service Commission, such Judicial Service Commission and, pending the outcome of such investigations and recommendation, suspend the Judge from office.

#### Article 85 [The Judicial Service Commission]

(1) There shall be a Judicial Service Commission consisting of the Chief Justice, a Judge appointed by the President, the Attorney-General and two members of the legal profession nominated in accordance with the provisions of an Act of Parliament by the professional organisation *{organization}* or organisations representing the interests of the legal profession in Namibia.

(2) The Judicial Service Commission shall perform such functions as are prescribed for it by this Constitution or any other law.

(3) The Judicial Service Commission shall be entitled to make such rules and regulations for the purposes of regulating its procedures and functions as are not inconsistent with this Constitution or any other law.

(4) Any casual vacancy in the Judicial Service Commission may be filled by the Chief Justice or in his or her absence by the Judge appointed by the President.

#### Article 86 [The Attorney-General]

There shall be an Attorney-General appointed by the President in accordance with the provisions of Article 32 (3)(1)(cc).

#### Article 87 [Powers and Functions of the Attorney-General]

The powers and functions of the Attorney-General shall be:

a) to exercise the final responsibility for the office of the Prosecutor-General;

- b) to be in principal legal adviser to the President and Government.
- c) to take all action necessary for the protection and upholding of the Constitution;
- d) to perform all such functions and duties as may be assigned to the Attorney-General by Act of Parliament.

#### Article 88 [The Prosecutor-General]

- (1) There shall be a Prosecutor-General appointed by the President on the recommendation of the Judicial Service Commission. No person shall be eligible for appointment as Prosecutor-General unless such person:
  - a) possesses legal qualifications that would entitle him or her to practice in all the Courts of Namibia;
  - b) is, by virtue of his or her experience, conscientiousness and integrity a fit and proper person to be entrusted with the responsibilities of the office of Prosecutor-General.
- (2) The powers and functions of the Prosecutor-General shall be:
  - a) to prosecute, subject to the provisions of this Constitution, in the name of the Republic of Namibia in criminal proceedings;
  - b) to prosecute and defend appeals in criminal proceedings in the High Court and the Supreme Court;
  - c) to perform all functions relating to the exercise of such powers;
  - d) to delegate to other officials, subject to his or her control and direction, authority to conduct criminal proceedings in any Court;
  - e) to perform all such other functions as may be assigned to him or her in terms of any other law.

#### Chapter X The Ombudsman

##### Article 89 [Establishment and Independence]

- (1) There shall be an Ombudsman, who shall have the powers and functions set out in this Constitution.
- (2) The Ombudsman shall be independent and subject only to this Constitution and the law.
- (3) No member of the Cabinet or the Legislature or any other person shall interfere with the Ombudsman in the exercise of his or her functions and all organs of the State shall accord such assistance as may be needed for the protection of the independence, dignity and effectiveness of the Ombudsman.
- (4) The Ombudsman shall either be a Judge of Namibia, or a person possessing the legal qualifications which would entitle him or her to practice in all the Courts of Namibia.

##### Article 90 [Appointment and Term of Office]

(1) The Ombudsman shall be appointed by Proclamation by the President on the recommendation of the Judicial Service Commission.

(2) The Ombudsman shall hold office until the age of sixty-five (65) but the President may extend the retiring age of any Ombudsman to seventy (70).

#### Article 91 [Functions]

The functions of the Ombudsman shall be defined and prescribed by an Act of Parliament and shall include the following:

- a) the duty to investigate complaints concerning alleged or apparent instances of violations of fundamental rights and freedoms, abuse of power, unfair, harsh, insensitive or discourteous treatment of an inhabitant of Namibia by an official in the employ of any organ of Government (whether central or local), manifest injustice, or corruption or conduct by such official which would properly be regarded as unlawful, oppressive or unfair in a democratic society;
- b) the duty to investigate complaints concerning the functioning of the Public Service Commission, administrative organs of the State, the defence force, the police force and the prison service in so far as such complaints relate to the failure to achieve a balanced structuring of such services or equal access by all to the recruitment of such services or fair administration in relation to such services;
- c) the duty to investigate complaints concerning the over-utilization of living natural resources, the irrational exploitation of non-renewable resources, the degradation and destruction of ecosystems and failure to protect the beauty and character of Namibia;
- d) the duty to investigate complaints concerning practices and actions by persons, enterprises and other private institutions where such complaints allege that violations of fundamental rights and freedoms under this Constitution have taken place;
- e) the duty and power to take appropriate action to call for the remedying, correction and reversal of instances specified in the preceding Paragraphs through such means as are fair, proper and effective, including:
  - aa) negotiation and compromise between the parties concerned;
  - bb) causing the complaint and his or her finding thereon to be reported to the superior of an offending person;
  - cc) referring the matter to the Prosecutor-General;
  - dd) bringing proceedings in a competent Court for an interdict or some other suitable remedy to secure the termination of the offending action or conduct, or the abandonment or alteration of the offending procedures;
  - ee) bringing proceedings to interdict the enforcement of such legislation or regulation by challenging its validity if the offending action or conduct is sought to be justified by subordinate legislation or regulation which is grossly unreasonable or otherwise ultra vires;
  - ff) reviewing such laws as were in operation before the date of Independence

in order to ascertain whether they violate the letter or the spirit of this Constitution and to make consequential recommendations to the President, the Cabinet or the Attorney-

General for appropriate action following thereupon;

f) the duty to investigate vigorously all instances or alleged or suspected corruption and the misappropriation of public monies by officials and to take appropriate steps, including reports to the Prosecutor-General and the Auditor-General pursuant thereto;

g) the duty to report annually to the National Assembly on the exercise of his or her powers and functions.

#### Article 92 [Powers of Investigation]

The powers of the Ombudsman shall be defined by Act of Parliament and shall include the power:

a) to issue subpoenas requiring the attendance of any person before the Ombudsman and the production of any document or record relevant to any investigation by the Ombudsman;

b) to cause any person contemptuous of any such subpoena to be prosecuted before a competent Court;

c) to question any person;

d) to require any person to co-operate with the Ombudsman and to disclose truthfully and frankly any information within his or her knowledge relevant to any investigation of the Ombudsman.

#### Article 93 [Meaning of "Official"]

For the purposes of this chapter the word "official" shall, unless the context otherwise indicate, include any elected or appointed official or employee of any organ of the central or local Government, any official of a para-statal enterprise owned or managed or controlled by the State, or in which the State or the Government has substantial interest, or any officer of the defence force, the police force or the prison service, but shall not include a Judge of the Supreme Court or the High Court or, in so far as a complaint concerns the performance of a judicial function, any other judicial officer.

#### Article 94 [Removal from Office]

(1) The Ombudsman may be removed from office before the expiry of his or her term of office by the President acting on the recommendation of the Judicial Service Commission.

(2) The Ombudsman may only be removed from office on the ground of mental incapacity or for gross misconduct, and in accordance with the provisions of Paragraph (3).

(3) The Judicial Service Commission shall investigate whether or not the Ombudsman shall be removed from office on the grounds referred to in Paragraph (2) and, if it decides that the Ombudsman shall be removed, it



shall inform the President of its recommendation.

(4) While investigations are being carried out into the necessity of the removal of the Ombudsman in terms of this article, the President may, on the recommendation of the Judicial Service Commission and, pending the outcome of such investigations and recommendation, suspend the Ombudsman from office.

## Chapter XI Principles of State Policy

### Article 95 [Promotion of the Welfare of the People]

The State shall actively promote and maintain the welfare of the people by adopting, inter alia, policies aimed at the following:

- a) enactment of legislation to ensure equality of opportunity for women, to enable them to participate fully in all spheres of Namibian society; in particular, the Government shall ensure the implementation of the principle of non-discrimination in remuneration of men and women; further, the Government shall seek, through appropriate legislation, to provide maternity and related benefits for women;
- b) enactment of legislation to ensure that the health and strength of the workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter vocations unsuited to their age and strength;
- c) active encouragement of the formation of independent trade unions to protect workers' rights and interests, and to promote sound labour {labor} relations and fair employment practices;
- d) membership of the International Labour Organisation (ILO) and, where possible, adherence to and action in accordance with the international Conventions and Recommendations of the ILO;
- e) ensurance that every citizen has a right to fair and reasonable access to public facilities and services in accordance with the law;
- f) ensurance that senior citizens are entitled to and do receive a regular pension adequate for the maintenance of a decent standard of living and the enjoyment of social and cultural opportunities;
- g) enactment of legislation to ensure that the unemployed, the incapacitated, the indigent and the disadvantaged are accorded such social benefits and amenities as are determined by Parliament to be just and affordable with due regard to the resources of the State;
- h) a legal system seeking to promote justice on the basis of equal opportunity by providing free legal aid in defined cases with due regard to the resources of the State;
- i) ensurance that workers are paid a living wage adequate for the maintenance of a decent standard of living and the enjoyment of social and cultural opportunities;
- j) consistent planning to raise and maintain an acceptable level of nutrition and standard of living of the Namibian people and to improve public health;
- k) encouragement of the mass of the population through education and other

activities and through their organisations *{organizations}* to influence Government policy by debating its decisions; l) maintenance of ecosystems, essential ecological processes and biological diversity of Namibia and utilization of living natural resources on a sustainable basis for the benefit of all Namibians, both present and future; in particular, the Government shall provide measures against the dumping or recycling of foreign nuclear and toxic waste on Namibian territory.

#### Article 96 [Foreign Relations]

The State shall endeavour *{endeavor}* to ensure that in its international relations it: a) adopts and maintains a policy of non-alignment; b) promotes international co-operation, peace and security; c) creates and maintains just and mutually beneficial relations among nations; d) fosters respect for international law and treaty obligations; e) encourages the settlement of international disputes by peaceful means.

#### Article 97 [Asylum]

The State shall, where it is reasonable to do so, grant asylum to persons who reasonably fear persecution on the ground of their political beliefs, race, religion or membership of a particular social group.

#### Article 98 [Principles of Economic Order]

(1) The economic order of Namibia shall be based on the principles of a mixed economy with the objective of securing economic growth, prosperity and a life of human dignity for all Namibians.

(2) The Namibian economy shall be based, inter alia, on the following forms of ownership:

- a) public;
- b) private;
- c) joint public-private;
- d) co-operative;
- e) co-ownership;
- f) small-scale family.

#### Article 99 [Foreign Investments]

Foreign investments shall be encouraged within Namibia subject to the provisions of an Investment Code to be adopted by Parliament.

#### Article 100 [Sovereign Ownership of Natural Resources]

Land, water and natural resources below and above the surface of the land and in the continental shelf and within the territorial waters and the exclusive economic zone of Namibia shall belong to the State if they are not otherwise lawfully owned.

Article 101 [Application of the Principles contained in this Chapter]

The principles of state policy contained in this chapter shall not of and by themselves be legally enforceable by any Court, but shall nevertheless guide the Government in making and applying laws to give effect to the fundamental objectives of the said principles. The Courts are entitled to have regard to the said principles in interpreting any laws based on them.

Chapter XII Regional and Local Government

Article 102 [Structures of Regional and Local Government]

(1) For purpose of regional and local government, Namibia shall be divided into regional and local units, which shall consist of such region and Local Authorities as may be determined and defined by Act of Parliament.

(2) The delineation of the boundaries of the regions and Local Authorities referred to in Paragraph (1) shall be geographical only, without any reference to the race, colour *{color}* or ethnic origin of the inhabitants of such areas.

(3) Every organ of regional and local government shall have a Council as the principal governing body, freely elected in accordance with this Constitution and the Act of Parliament referred to in Paragraph (1), with an executive and administration which shall carry out all lawful resolutions and policies of such Council, subject to this Constitution and any other relevant laws.

(4) For the purposes of this chapter, a Local Authority shall include all municipalities, communities, village councils and other organs of local government defined and constituted by Act of Parliament.

(5) There shall be a Council of Traditional Leaders to be established in terms of an Act of Parliament in order to advise the President on the control and utilization of communal land and on all such other matters as may be referred to it by the President for advice.

Article 103 [Establishment of Regional Councils]

(1) the boundaries of regions shall be determined by a Delimitation Commission in accordance with the principles set out in Article 102 (2).

(2) The boundaries of regions may be changed from time to time and new regions may be created from time to time, but only in accordance with the recommendation of the Delimitation Commission.

(3) A Regional Council shall be established for every region the boundaries of which have been determined in accordance with Paragraph (1) and (2).

Article 104 [The Delimitation Commission]

(1) The Delimitation Commission shall consist of a Chairperson who shall be a Judge of the Supreme Court or the High Court, and two other persons to be appointed by the President with the approval of Parliament.

(2) The Delimitation Commission shall discharge its duties in accordance with the provisions of an Act of Parliament and this Constitution, and shall report thereon to the President.

Article 105 [Composition of Regional Councils]

Every Regional Council shall consist of a number of persons determined by the Delimitation Commission for the particular region for which that Regional Council has been established, and who are qualified to be elected to the National Council.

Article 106 [Regional Council Elections]

(1) Each region shall be divided into constituencies the boundaries of which shall be fixed by the Delimitation Commission in accordance with the provisions of an Act of Parliament and this Constitution: provided that there shall be no fewer than six (6) and no more than twelve (12) constituencies in each region.

(2) Each constituency shall elect one member to the Regional Council for the region in which it is situated.

(3) The elections shall be by secret ballot to be conducted in accordance with the provisions of an Act of Parliament, and the candidate receiving the most votes in any constituency shall be the elected member of the Regional Council for that constituency.

(4) All Regional Council elections for the various regions of Namibia shall be held on the same day.

(5) The date for Regional Council elections shall be determined by the President by Proclamation in the Gazette.

Article 107 [Remuneration of Members of Regional Councils]

The remuneration and allowances to be paid to members of Regional Councils shall be determined by Act of Parliament.

Article 108 [Powers of Regional Councils]

Regional Councils shall have the following powers:

a) to elect members to the National Council;

b) to exercise within the region for which they have been constituted such executive powers and to perform such duties in connection therewith as may be assigned to them by Act of Parliament and as may be delegated to them by the President;

c) to raise revenue, or share in the revenue raised by the central Government within the regions for which they have been established, as may be determined by Act of Parliament;

d) to exercise powers, perform any other functions and make such by-laws or regulations as may be determined by Act of Parliament.

#### Article 109 [Management Committees]

- (1) Each Regional Council shall elect from amongst its members a Management Committee, which shall be vested with executive powers in accordance with the provisions of an Act of Parliament.
- (2) The Management Committee shall have a Chairperson to be elected by the members of the Regional Council at the time that they elect the Management Committee, and such Chairperson shall preside at meetings of his or her Regional Council.
- (3) The Chairperson and the members of the Management Committee shall hold office for three (3) years and shall be eligible for re-election.

#### Article 110 [Administration and Functioning of Regional Councils]

The holding and conducting of meetings of Regional Councils, the filling of casual vacancies on Regional Councils and the employment of officials by the Regional Councils, as well as all other matters dealing with or incidental to the administration and functioning of Regional Councils, shall be determined by Act of Parliament.

#### Article 111 [Local Authorities]

- (1) Local Authorities shall be established in accordance with the provisions of Article 102.
- (2) The boundaries of Local Authorities, the election of Councils to administer the affairs of Local Authorities, the method of electing persons to Local Authority Councils, the methods of raising revenue for Local Authorities, the remuneration of Local Authority Councillors and all other matters dealing with or incidental to the administration and functioning of Local Authorities, shall be determined by Act of Parliament.
- (3) Persons shall be qualified to vote in elections for Local Authorities Councils if such persons have been resident within the jurisdiction of a Local Authority for not less than one (1) year immediately prior to such election and if such persons are qualified to vote in elections for the National Assembly.
- (4) Different provisions may be made by the Act of Parliament referred to in Paragraph (2) in regard to different types of Local Authorities.
- (5) All by-laws or regulations made by Local Authorities pursuant to powers vested in them by Act of Parliament shall be tabled in the National Assembly and shall cease to be of force if a resolution to that effect is passed by the National Assembly.

### Chapter XIII The Public Service Commission

#### Article 112 [Establishment]

- (1) There shall be established a Public Service Commission which shall have

the function of advising the President on the matters referred to in Article [113](#) and of reporting to the National Assembly thereon.

(2) The Public Service Commission shall be independent and act impartially.

(3) The Public Service Commission shall consist of a Chairperson and no fewer than three (3) and no more than six (6) other persons nominated by the President and appointed by the National Assembly by resolution.

(4) Every member of the Public Service Commission shall be entitled to serve on such Commission for a period of five (5) years unless lawfully removed before the expiry of that period for good and sufficient reasons in terms of this Constitution and procedures to be prescribed by Act of Parliament. Every member of the Public Service Commission shall be eligible for reappointment.

#### Article 113 [Functions]

The functions of the Public Service Commission shall be defined by Act of Parliament and shall include the power:

a) to advise the President and the Government on:

aa) the appointment of suitable persons to specified categories of employment in the public service, with special regard to the balanced structuring thereof;

bb) the exercise of adequate disciplinary control over such persons in order to assure the fair administration of personnel policy;

cc) the remuneration and the retirement benefits of any such persons;

dd) all other matters which by law pertain to the public service;

b) to perform all functions assigned to it by Act of Parliament;

c) to advise the President on the identity, availability and suitability of persons to be appointed by the President to offices in terms of this Constitution or any other law.

### Chapter XIV The Security Commission

#### Article 114 [Establishment and Functions]

(1) There shall be a Security Commission which shall have the function of making recommendations to the President on the appointment of the Chief of the Defence Force, the Inspector-General of Police and the Commissioner of Prisons and such other functions as may be assigned to it by Act of Parliament.

(2) The Security Commission shall consist of the Chairperson of the Public Service Commission, the Chief of the Defence Force, the Inspector-General of Police, the Commissioner of Prisons and two (2) members of the National Assembly, appointed by the President on the recommendation of the National Assembly.

### Chapter XV The Police and Defence Forces and the Prison Service

Article 115 [Establishment of the Police Force]

There shall be established by Act of Parliament a Namibian police force with prescribed powers, duties and procedures in order to secure the internal security of Namibia and to maintain law and order.

Article 116 [The Inspector-General of Police]

(1) There shall be an Inspector-General of Police who shall be appointed by the President in terms of Article 32 (4)(bb).

(2) The Inspector-General of Police shall make provision for a balanced structuring of the police force and shall have the power to make suitable appointments to the police force, to cause charges of indiscipline among members of the police force to be investigated and prosecuted and to ensure the efficient administration of the police force.

Article 117 [Removal of the Inspector-General of Police]

The President may remove the Inspector-General of Police from office for good cause and in the public interest and in accordance with the provisions of any Act of Parliament which may prescribe procedures considered to be expedient for this purpose.

Article 118 [Establishment of the Defence Force]

(1) There shall be established by Act of Parliament a Namibian Defence Force with prescribed composition, powers, duties and procedures, in order to defend the territory and national interests of Namibia.

(2) The President shall be the Commander-in-Chief of the Defence Force and shall have all the powers and exercise all the functions necessary for that purpose.

Article 119 [Chief on the Defence Force]

(1) There shall be a Chief of the Defence Force who shall be appointed by the President in terms of Article 32 (4)(c).

(2) The Chief of the Defence Force shall make provision for a balanced structuring of the defence force and shall have the power to make suitable appointments to the defence force, to cause charges of indiscipline among members of the defence force to be investigated and prosecuted and to ensure the efficient administration of the defence force.

Article 120 [Removal of the Chief of the Defence Force]

The President may remove the Chief of the Defence Force from office for good cause and in the public interest and in accordance with the provisions of any Act of Parliament which may prescribe procedures considered to be expedient for this purpose.

Article 121 [Establishment of the Prison Service]

There shall be established by Act of Parliament a Namibian prison service with prescribed powers, duties and procedures.

Article 122 [Commissioner of Prisons]

(1) There shall be a Commissioner of Prisons who shall be appointed by the President in terms of Article 32 (4)(c).

(2) The Commissioner of Prisons shall make provision for a balanced structuring of the prison service and shall have the power to make suitable appointments to the prison service, to cause charges on indiscipline among members of the prison service to be investigated and prosecuted and to ensure the efficient administration of the prison service.

Article 123 [Removal of the Commissioner of Prisons]

The President may remove the Commissioner of Prisons from office for good cause and in the public interest and in accordance with the provisions of any Act of Parliament which may prescribe procedures considered to be expedient for this purpose.

Chapter XVI Finance

Article 124 [Transfer of Government Assets]

The assets mentioned in Schedule 5 shall vest in the Government of Namibia on the date of Independence.

Article 125 [The State Revenue Fund]

(1) The Central Revenue Fund of the mandated territory of South West Africa instituted in terms of Section 3 of the Exchequer and Audit Proclamation, 1979 (Proclamation 85 of 1979) and Section 31(1) of Proclamation R101 of 1985 shall continue as the State Revenue Fund of the Republic of Namibia.

(2) All income accruing to the central Government shall be deposited in the State Revenue Fund and the authority to dispose thereof shall vest in the Government of Namibia.

(3) Nothing contained in Paragraph (2) shall preclude the enactment of any law or the application of any law which provides that:

a) the Government shall pay any particular monies accruing to it into a fund designated for a special purpose; or

b) any body or institution to which any monies accruing to the State have been paid, may retain such monies or portions thereof for the purpose of defraying the expenses of such body or institution; or

c) where necessary, subsidies be allocated to regional and Local Authorities.

(4) No money shall be withdrawn from the State Revenue Fund except in accordance with an Act of Parliament.



(5) No body or person other than the Government shall have the power to withdraw monies from the State Revenue Fund.

#### Article 126 [Appropriations]

(1) The Minister in charge of the Department of Finance shall, at least once every year and thereafter at such interim stages as may be necessary, present for the consideration of the National Assembly estimates of revenue, expenditure and income for the prospective financial year.

(2) The National Assembly shall consider such estimates and pass pursuant thereto such Appropriation Acts as are in its opinion necessary to meet the financial requirements of the State from time to time.

#### Article 127 [The Auditor-General]

(1) There shall be an Auditor-General appointed by the President on the recommendation of the Public Service Commission and with the approval of the National Assembly. The Auditor-General shall hold office for five (5) years unless removed earlier under Paragraph (4) or unless he or she resigns. The Auditor-General shall be eligible for reappointment.

(2) The Auditor-General shall audit the State Revenue Fund and shall perform all other functions assigned to him or her by the Government or by Act of Parliament and shall report annually to the National Assembly thereon.

(3) The Auditor-General shall not be a member of the public service.

(4) The Auditor-General shall not be removed from office unless a two-thirds majority of all the members of the National Assembly vote for such removal on the ground of mental incapacity or gross misconduct.

### Chapter XVII Central Bank and National Planning Commission

#### Article 128 [The Central Bank]

(1) There shall be established by Act of Parliament a Central Bank of the Republic of Namibia which shall serve as the State's principal instrument to control the money supply, the currency and the institutions of finance, and to perform all other functions ordinarily performed by a central bank.

(2) The Governing Board of the Central Bank shall consist of a Governor, a Deputy-Governor and such other members of the Board as shall be prescribed by Act of Parliament, and all members of the Board shall be appointed by the President in accordance with procedures prescribed by such Act of Parliament.

#### Article 129 [The National Planning Commission]

(1) There shall be established in the office of the President a National Planning Commission, whose task shall be to plan the priorities and direction of national development.

(2) There shall be a Director-General of Planning appointed by the President in terms of Article 32 (3)(i)(dd), who shall be the head of the National Planning Commission and the principal adviser to the President in regard to all matters pertaining to economic planning and who shall attend Cabinet meetings at the request of the President.

(3) The membership, powers, functions and personnel of the National Planning Commission shall be regulated by Act of Parliament.

## Chapter XVIII Coming into Force of the Constitution

### Article 130 [Coming into Force of the Constitution]

This Constitution as adopted by the Constituent Assembly shall come into force on the date of Independence.

## Chapter XIX Amendment of the Constitution

### Article 131 [Entrenchment of Fundamental Rights and Freedoms]

No repeal or amendment of any of the provisions of Chapter 3, in so far as such repeal or amendment diminishes or detracts from the fundamental rights and freedoms contained and defined in that chapter, shall be permissible under this Constitution, and no such purported repeal or amendment shall be valid or have any force or effect.

### Article 132 [Repeal and Amendment of the Constitution]

(1) Any bill seeking to repeal or amend any provision of this Constitution shall indicate the proposed repeals and/or amendments with reference to the specific articles sought to be repealed and/or amended and shall not deal with any matter other than the proposed repeals or amendments.

(2) The majorities required in Parliament for the repeal and/or amendment of any of the provisions of this Constitution shall be:

- a) two-thirds of all the members of the National Assembly; and
- b) two-thirds of all the members of the National Council.

(3)(a) Notwithstanding the provisions of Paragraph (2), if a bill proposing a repeal and/or amendment of any of the provisions of this Constitution secures a majority of two-thirds of all the members of the National Assembly, but fails to secure a majority of two-thirds of all the members of the National Council, the President may by Proclamation make the bill containing the proposed repeals and/or amendments the subject of a national referendum.

(b) The national referendum referred to in Paragraph (a) shall be conducted in accordance with procedures prescribed for the holding of referenda by Act of Parliament.

(c) If upon the holding of such a referendum the bill containing the proposed repeals and/or amendments is approved by a two-thirds majority of all the votes cast in the referendum, the bill shall be deemed to have been passed in accordance with the provisions of this Constitution, and the President shall deal it in terms of Article 56.

(4) No repeal or amendment of this paragraph or Paragraphs (2) or (3) in so far as it seeks to diminish or detract from the majorities required in Parliament or in a referendum shall be permissible under this Constitution, and no such purported repeal or amendment shall be valid or have any force or effect.

(5) Nothing contained in this article: a) shall detract in any way from the entrenchment provided for in Article 131 of the fundamental rights and freedoms contained and defined in Chapter 3;

b) shall prevent Parliament from changing its own composition or structures by amending or repealing any of the provisions of this Constitution: provided always that such repeals or amendments are effected in accordance with the provisions of this Constitution.

## Chapter XX The Law in Force and Transitional Provisions

### Article 133 [The First National Assembly]

Notwithstanding the provisions of Article 46, the Constituent Assembly shall be deemed to have been elected under Articles 46 and 49, and shall constitute the first National Assembly of Namibia, and its term of office and that of the President shall be deemed to have begun from the date of Independence.

### Article 134 [Election of the First President]

(1) Notwithstanding the provisions of Article 28, the first President of Namibia shall be the person elected to that office by the Constituent Assembly by a simple majority of all its members.

(2) The first President of Namibia shall be deemed to have been elected under Article 28 and upon assuming office shall have all the powers, functions, duties and immunities of a President elected under that article.

### Article 135 [Implementation of this Constitution]

This Constitution shall be implemented in accordance with the provisions of Schedule 7.

### Article 136 [Powers of the National Assembly prior to the Election of a National Council]

(1) Until elections for a National Council have been held:

a) all legislation shall be enacted by the National Assembly as if this Constitution had not made provision for a National Council, and Parliament

had consisted exclusively of the National Assembly acting on its own without being subject to

the review of the National Council;

b) this Constitution shall be construed as if no functions had been vested by this Constitution in the National Council; c) any reference in Article 29, 56, 75 and 132 to the National Council shall be ignored: provided that nothing contained in this paragraph shall be construed as limiting in any way the generality of Paragraph (a) and (b).

(2) Nothing contained in Paragraph (1) shall detract in any way from the provisions of Chapter 8 or any other provision of this Constitution in so far as they make provision for the establishment of a National Council, elections to the National Council and its functioning after such elections have been held.

#### Article 137 [Elections of the First Regional Councils and the First National Council]

(1) The President shall by Proclamation establish the first Delimitation Commission which shall be constituted in accordance with the provisions of Article 104 (1), within six (6) months of the date of Independence.

(2) Such Proclamation shall provide for those matters which are referred to in Articles 102 to 106, shall not be inconsistent with this Constitution and shall require the Delimitation Commission to determine boundaries of regions and Local Authorities for the purpose of holding Local Authority and Regional Council elections.

(3) The Delimitation Commission appointed under such Proclamation shall forthwith commence its work, and shall report to the President within nine (9) months of its appointment: provided that the National Assembly may by resolution and for good cause extend the period within which such report shall be made.

(4) Upon receipt of the report of the Delimitation Commission the President shall as soon as reasonably possible thereafter establish by Proclamation the boundaries of regions and Local Authorities in accordance with the terms of the report.

(5) Elections for Local Authorities in terms of Article 111 shall be held on a date to be fixed by the President by Proclamation, which shall be a date within six (6) months of the Proclamation referred to in Paragraph (4), or within six (6) months of the date on which the legislation referred to in Article 111 has been enacted, whichever is the later: provided that the National Assembly may by resolution and for good cause extend the period within which such elections shall be held.

(6) Elections for Regional Councils shall be held on a date to be fixed by the President by Proclamation, which shall be a date within one (1) month of the date of the elections referred to in Paragraph (5), or within one (1) month of the date on which the legislation referred to in Article 106 (3) has been enacted, whichever is the later: provided that the National Assembly may by

resolution and for good cause extend the period within which such elections shall be held.

(7) Elections for the first National Council shall be held on a date to be fixed by the President by Proclamation, which shall be a date within one (1) month of the date of the elections referred to in Paragraph (6), or within one (1) month of the date on which the legislation referred to in Article 69 (2) has been enacted, whichever is the later: provided that the National Assembly may by resolution and for good cause extend the period within which such elections shall be held.

#### Article 138 [Courts and Pending Actions]

(1) The Judge-President and other Judges of the Supreme Court of South-West Africa holding office at the date on which this Constitution is adopted by the Constituent Assembly shall be deemed to have been appointed as the Judge-President and Judges of the High Court of Namibia under Article 82 on the date of Independence, and upon making the oath or affirmation of office in the terms set out in Schedule 1, shall become the first Judge-President and Judges of the High Court of Namibia: provided that if the Judge-President or any such Judges are sixty-five (65) years of age or older on such date, it shall be deemed that their appointments have been extended until the age of seventy (70) in terms of Article 82 (4).

(2)(a) The laws in force immediately prior to the date of Independence governing the jurisdiction of Courts within Namibia, the right of audience before such Courts, the manner in which procedure in such Courts shall be conducted and the power and authority of the Judges, Magistrates and other judicial officers, shall remain in force until repealed or amended by Act of Parliament, and all proceedings pending in such Courts at the date of Independence shall be continued as if such Courts had been duly constituted as Courts of the Republic of Namibia when the proceedings were instituted.

(b) Any appeal noted to the Appellate Division of the Supreme Court of South Africa against any judgment or order of the Supreme Court of South-West Africa shall be deemed to have been noted to the Supreme Court of Namibia and shall be prosecuted before such Court as if that judgment or order appealed against had been made by the High Court of Namibia and the appeal had been noted to the Supreme Court of Namibia.

(c) All criminal prosecutions initiated in Courts within Namibia prior to the date of Independence shall be continued as if such prosecutions had been initiated after the date of Independence in Courts of the Republic of Namibia.

(d) All crimes committed in Namibia prior to the date of Independence which would be crimes according to the law of the Republic of Namibia if it had then existed, shall be deemed to constitute crimes according to the law of the Republic of Namibia, and to be punishable as such in and by the Courts of the Republic of Namibia.

(3) Pending the enactment of the legislation contemplated by Article 79:

- a) the Supreme Court shall have the same jurisdiction to hear and determine appeals from Courts in Namibia as was previously vested in the Appellate Division of the Supreme Court of South Africa;
- b) the Supreme Court shall have jurisdiction to hear and determine matters referred to it for a decision by the Attorney-General under this Constitution;
- c) all persons having the right of audience before the High Court shall have the right of audience the Supreme Court;
- d) three (3) Judges shall constitute a quorum of the Supreme Court when it hears appeals or deals with matters under Paragraphs (a) and (b): provided that if any such Judge dies or becomes unable to act after the hearing of the appeal or such matter has commenced, but prior to judgement, the law applicable in such circumstances to the death or inability of a Judge of the High Court shall apply mutatis mutandis;
- e) until rules of the Supreme Court are made by the Chief Justice for the noting and prosecution of appeals and all matters incidental thereto, the rules which regulated appeals from the Supreme Court of South-West Africa to the Appellate Division of the Supreme Court of South Africa, and were in force immediately prior to the date of Independence, shall apply mutatis mutandis.

#### Article 139 [The Judicial Service Commission]

- (1) Pending the enactment of legislation as contemplated by Article 85 and the appointment of a Judicial Service Commission thereunder, the Judicial Service Commission shall be appointed by the President by Proclamation and shall consist of the Chief Justice, a Judge appointed by the President, the Attorney-General, an advocate nominated by the Bar Council of Namibia and an attorney nominated by the Council of the Law Society of South-West Africa: provided that until the first Chief Justice has been appointed, the President shall appoint a second Judge to be a member of the Judicial Service Commission who shall hold office thereon until the Chief Justice has been appointed. The Judicial Service Commission shall elect from amongst its members as its first meeting the person to preside at its meetings until the Chief Justice has been appointed. The first task of the Judicial Service Commission shall be to make a recommendation to the President with regard to the appointment of the first Chief Justice.
- (2) Save as aforesaid the provisions of Article 85 shall apply to the functioning of the Judicial Service Commission appointed under Paragraph (1), which shall have all the powers vested in the Judicial Service Commission by this Constitution.

#### Article 140 [The Law in Force at the Date of Independence]

- (1) Subject to the provisions of this Constitution, all laws which were in force immediately before the date of Independence shall remain in force until

repealed or amended by Act of Parliament or until they are declared unconstitutional by a competent Court.

(2) Any powers vested by such laws in the Government, or in a Minister or other official of the Republic of South Africa shall be deemed to vest in the Government of the Republic of Namibia or in a corresponding Minister or official of the Government of the Republic of Namibia, and all powers, duties and functions which so vested in the Government Service Commission, shall vest in the Public Service Commission referred to in Article 112.

(3) Anything done under such laws prior to the date of Independence by the Government, or by a Minister or other official of the Republic of South Africa shall be deemed to have been done by the Government of the Republic of Namibia or by a corresponding Minister or official of the Government of the Republic of Namibia, unless such action is subsequently repudiated by an Act of Parliament, and anything so done by the Government Service Commission shall be deemed to have been done by the Public Service Commission referred to in Article 112, unless it is determined otherwise by an Act of Parliament.

(4) Any reference in such laws to the President, the Government, a Minister or other official or institution in the Republic of South Africa shall be deemed to be a reference to the President of Namibia or to a corresponding Minister, official or institution in the Republic of Namibia and any reference to the Government Service Commission or the government service, shall be construed as a reference to the Public Service Commission referred to in Article 112 or the public service of Namibia.

(5) For the purpose of this article the Government of the Republic of South Africa shall be deemed to include the Administration of the Administrator-General appointed by the Government of South Africa to administer Namibia, and any reference to the Administrator-General in legislation enacted by such Administration shall be deemed to be a reference to the President of Namibia, and any reference to a Minister or official of such Administration shall be deemed to be a reference to a corresponding Minister or official of the Government of the Republic of Namibia.

#### Article 141 [Existing Appointments]

(1) Subject to the provisions of this Constitution, any person holding office under any law in force on the date of Independence shall continue to hold such office unless and until he or she resigns or is retired, transferred or removed from office in accordance with law.

(2) Any reference to the Attorney-General in legislation in force immediately prior to the date of Independence shall be deemed to be a reference to the Prosecutor-General, who shall exercise his or her functions in accordance with this Constitution.

Article 142 [Appointment of the First Officers of Defence Force, Police, and Prisons]

The President shall, in consultation with the leaders of all political parties represented in the National Assembly, appoint by Proclamation the first Chief of the Defence Force, the first Inspector-General of Police and the first Commissioner of Prisons.

Article 143 [Existing International Agreements]

All existing international agreements binding upon Namibia shall remain in force, unless and until the National Assembly acting under Article 63 (2)(d) otherwise decides.

Chapter XXI Final Provisions

Article 144 [International Law]

Unless otherwise provided by this Constitution or Act of Parliament, the general rules of public international law and international agreements binding upon Namibia under this Constitution shall form part of the law of Namibia.

Article 145 [Saving]

(1) Nothing contained in this Constitution shall be construed as imposing upon the Government of Namibia:

- a) any obligations to any other State which would not otherwise have existed under international law;
- b) any obligations to any person arising out of the acts or contracts of prior Administrations which would not otherwise have been recognised by international law as binding upon the Republic of Namibia.

(2) Nothing contained in this Constitution shall be construed as recognising in any way the validity of the Administration of Namibia by the Government of the Republic of South Africa or by the Administrator-General appointed by the Government of the Republic of South Africa to administer Namibia.

Article 146 [Definitions]

(1) Unless the context otherwise indicates, any word or expression in this Constitution shall bear the meaning given to such word or expression in any law which deals with the interpretation of statutes and which was in operation within the territory of Namibia prior to the date of Independence.

(2)(a) The word "Parliament" shall mean the National Assembly and, once the first National Council has been elected, shall mean the National Assembly acting, when so required by this Constitution, subject to the review of the National Council.

(b) Any reference to the plural shall include the singular and any reference to the singular shall include the plural.



(c) Any references to the "date of Independence" or "Independence" shall be deemed to be a reference to the day as of which Namibia is declared to be independent by the Constituent Assembly.

(d) Any references to the "Constituent Assembly" shall be deemed to be a reference to the Constituent Assembly elected for Namibia during November 1989 as contemplated by United Nations Security Council Resolution 435 of 1978.

(e) Any references to "Gazette" shall be deemed to be a reference to the Government Gazette of the Republic of Namibia.

#### Article 147 [Repeal of Laws]

The laws set out in Schedule 8 are hereby repealed.

#### Article 148 [Short Title]

This Constitution shall be called the Namibian Constitution.

## **Appendix II**

### **The Constitution of Botswana (1966)**

#### **CHAPTER I**

##### **The Republic (ss 1-2)**

[Ch0000s1] 1. Declaration of Republic

Botswana is a sovereign Republic.

[Ch0000s2] 2. Public Seal

The Public Seal of the Republic shall be such device as may be prescribed by or under an Act of Parliament.

#### **CHAPTER II**

##### **Protection of Fundamental Rights and Freedoms of the Individual (ss 3-19)**

[Ch0000s3] 3. Fundamental rights and freedoms of the individual

Whereas every person in Botswana is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest to each and all of the following, namely—

(a) life, liberty, security of the person and the protection of the law;

(b) freedom of conscience, of expression and of assembly and association; and

(c) protection for the privacy of his home and other property and from deprivation of property without compensation,  
the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.

[Ch0000s4] 4. Protection of right to life

(1) No person shall be deprived of his life intentionally save in execution of the sentence of a court in respect of an offence under the law in force in Botswana of which he has been convicted.

(2) A person shall not be regarded as having been deprived of his life in contravention of subsection (1) of this section if he dies as the result of the use, to such extent and in such circumstances as are permitted by law, of such force as is reasonably justifiable—

(a) for the defence of any person from violence or for the defence of property;

(b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;

(c) for the purpose of suppressing a riot, insurrection or mutiny; or

(d) in order to prevent the commission by that person of a criminal offence,  
or if he dies as the result of a lawful act of war.

[Ch0000s5] 5. Protection of right to personal liberty

(1) No person shall be deprived of his personal liberty save as may be authorized by law in any of the following cases, that is to say—

- (a) in execution of the sentence or order of a court, whether established for Botswana or some other country, in respect of a criminal offence of which he has been convicted;
- (b) in execution of the order of a court of record punishing him for contempt of that or another court;
- (c) in execution of the order of a court made to secure the fulfilment of any obligation imposed on him by law;
- (d) for the purpose of bringing him before a court in execution of the order of a court;
- (e) upon reasonable suspicion of his having committed, or being about to commit, a criminal offence under the law in force in Botswana;
- (f) under the order of a court or with the consent of his parent or guardian, for his education or welfare during any period ending not later than the date when he attains the age of 18 years;
- (g) for the purpose of preventing the spread of an infectious or contagious disease;
- (h) in the case of a person who is, or is reasonably suspected to be, of unsound mind, addicted to drugs or alcohol, or a vagrant, for the purpose of his care or treatment or the protection of the community;
- (i) for the purpose of preventing the unlawful entry of that person into Botswana, or for the purpose of effecting the expulsion, extradition or other lawful removal of that person from Botswana, or for the purpose of restricting that person while he is being conveyed through Botswana in the course of his extradition or removal as a convicted prisoner from one country to another;
- (j) to such extent as may be necessary in the execution of a lawful order requiring that person to remain within a specified area within Botswana or prohibiting him from being within such an area, or to such extent as may be reasonably justifiable for the taking of proceedings against that person relating to the making of any such order, or to such extent as may be reasonably justifiable for restraining that person during any visit that he is permitted to make to any part of Botswana in which, in consequence of any such order, his presence would otherwise be unlawful; or
- (k) for the purpose of ensuring the safety of aircraft in flight.

(2) Any person who is arrested or detained shall be informed as soon as reasonably practicable, in a language that he understands, of the reasons for his arrest or detention.

(3) Any person who is arrested or detained—

- (a) for the purpose of bringing him before a court in execution of the order of a court; or
- (b) upon reasonable suspicion of his having committed, or being about to commit, a criminal offence under the law in force in Botswana,

and who is not released, shall be brought as soon as is reasonably practicable before a court; and if any person arrested or detained as mentioned in paragraph (b) of this subsection is not tried within a reasonable time, then, without prejudice to any further proceedings that may be brought against him, he shall be released either unconditionally or upon reasonable conditions, including in particular such conditions as are reasonably necessary to ensure that he appears at a later date for trial or for proceedings preliminary to trial.

(4) Any person who is unlawfully arrested or detained by any other person shall be entitled to compensation therefor from that other person.

[Ch0000s6] 6. Protection from slavery and forced labour

(1) No person shall be held in slavery or servitude.

(2) No person shall be required to perform forced labour.

(3) For the purposes of this section, the expression "forced labour" does not include—

(a) any labour required in consequence of the sentence or order of a court;

(b) labour required of any person while he is lawfully detained that, though not required in consequence of the sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he is detained;

(c) any labour required of a member of a disciplined force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, any labour that that person is required by law to perform in place of such service;

(d) any labour required during any period of public emergency or in the event of any other emergency or calamity that threatens the life and well-being of the community, to the extent that the requiring of such labour is reasonably justifiable in the circumstances of any situation arising or existing during that period or as a result of that other emergency or calamity, for the purpose of dealing with that situation; or

(e) any labour reasonably required as part of reasonable and normal communal or other civic obligations.

[Ch0000s7] 7. Protection from inhuman treatment

(1) No person shall be subjected to torture or to inhuman or degrading punishment or other treatment.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question authorizes the infliction of any description of punishment that was lawful in the country immediately before the coming into operation of this Constitution.

[Ch0000s8] 8. Protection from deprivation of property

(1) No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except where the following conditions are satisfied, that is to say—

(a) the taking of possession or acquisition is necessary or expedient—

(i) in the interests of defence, public safety, public order, public morality, public health, town and country planning or land settlement;

(ii) in order to secure the development or utilization of that, or other, property for a purpose beneficial to the community; or

(iii) in order to secure the development or utilization of the mineral resources of Botswana; and

(b) provision is made by a law applicable to that taking of possession or acquisition—

(i) for the prompt payment of adequate compensation; and

(ii) securing to any person having an interest in or right over the property a right of access to the High Court, either direct or on appeal from any other authority, for the determination of his interest or right, the legality of the taking of possession or acquisition of the property, interest or right, and the amount of any compensation to which he is entitled, and for the purpose of obtaining prompt payment of that compensation.

(2) No person who is entitled to compensation under this section shall be prevented from remitting, within a reasonable time after he has received any amount of that compensation, the whole of that amount (free from any deduction, charge or tax made or levied in respect of its remission) to any country of his choice outside Botswana.

(3) Subsection (1)(b)(i) of this section shall be deemed to be satisfied in relation to any 30 of 1969 Law applicable to the taking of possession of minerals or the acquisition of rights to minerals if that law makes provision for the payment at reasonable intervals of adequate royalties.

(4) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of subsection (2) of this section to the extent that the law in question authorizes—

(a) the attachment, by order of a court, of any amount of compensation to which a person is entitled in satisfaction of the judgment of a court or pending the determination of civil proceedings to which he is a party; or

(b) the imposition of reasonable restrictions on the manner in which any amount of compensation is to be remitted.

(5) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of subsection (1) of this section—

(a) to the extent that the law in question makes provision for the taking of possession or acquisition of any property—

(i) in satisfaction of any tax, rate or due;

(ii) by way of penalty for breach of the law whether under civil process or after conviction of a criminal offence under the law in force in Botswana;

(iii) as an incident of a lease, tenancy, mortgage, charge, bill of sale, pledge or contract;

(iv) in the execution of judgments or orders of a court in proceedings for the determination of civil rights or obligations;

(v) in circumstances where it is reasonably necessary to do so because the property is in a dangerous state or injurious to the health of human beings, animals or plants;

(vi) in consequence of any law with respect to the limitation of actions; or

(vii) for so long only as may be necessary for the purposes of any examination, investigation, trial or inquiry or, in the case of land, for the purposes of the carrying out thereon of work of soil conservation or the conservation of other natural resources or work relating to agricultural development or improvement (being work relating to such development or improvement that the owner or occupier of the land has been required, and has without reasonable excuse refused or failed, to carry out),

and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society; or

(b) to the extent that the law in question makes provision for the taking of possession or acquisition of—

(i) enemy property;

(ii) property of a deceased person, a person of unsound mind, a person who has not attained the age of 21 years, a prodigal, or a person who is absent from Botswana, for the purpose of its administration for the benefit of the persons entitled to the beneficial interest therein;

(iii) property of a person declared to be insolvent or a body corporate in liquidation, for the purpose of its administration for the benefit of the creditors of the insolvent or body corporate and, subject thereto, for the benefit of other persons entitled to the beneficial interest in the property; or

(iv) property subject to a trust, for the purpose of vesting the property in persons appointed as trustees under the instrument creating the trust or by a court, or by order of a court, for the purpose of giving effect to the trust.

(6) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of subsection (1) of this section to the extent that the law in question makes provision for the compulsory taking of possession in the public interest of any property, or the compulsory acquisition in the public interest in or right over property, where that property, interest or right is held by a body corporate established by law for public purposes in which no moneys have been invested other than moneys provided by Parliament.

[Ch0000s9] 9. Protection for privacy of home and other property

(1) Except with his own consent, no person shall be subjected to the search of his person or his property or the entry by others on his premises.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

(a) that is reasonably required in the interests of defence, public safety, public order, public morality, public health, town and country planning, the development and utilization of mineral resources, for the purpose of any census or in order to secure the development or utilization of any property for a purpose beneficial to the community;

(b) that is reasonably required for the purpose of protecting the rights or freedoms of other persons;

(c) that authorizes an officer or agent of the Government of Botswana, a local government authority or a body corporate established by law for a public purpose to enter on the premises of any person in order to inspect those premises or anything thereon for the purpose of any tax, rate or duty or in order to carry out work connected with any property that is lawfully on those premises and that belongs to that Government, authority or body corporate, as the case may be; or

(d) that authorizes, for the purpose of enforcing the judgment or order of a court in any civil proceedings, the search of any person or property by order of a court or entry upon any premises by such order, and except so far as that provision or, as the case may be, anything done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

[Ch0000s10] 10. Provisions to secure protection of law

(1) If any person is charged with a criminal offence, then, unless the charge is withdrawn, the case shall be afforded a fair hearing within a reasonable time by an independent and impartial court established or recognized by law.

(2) Every person who is charged with a criminal offence—

(a) shall be presumed to be innocent until he is proved or has pleaded guilty;

(b) shall be informed as soon as reasonably practicable, in a language that he understands and in detail, of the nature of the offence charged;

(c) shall be given adequate time and facilities for the preparation of his defence;

(d) shall be permitted to defend himself before the court in person or, at his own expense, by a legal representative of his own choice;

(e) shall be afforded facilities to examine in person or by his legal representative the witnesses called by the prosecution before the court, and to obtain the attendance and carry out the examination of witnesses to testify

on his behalf before the court on the same conditions as those applying to witnesses called by the prosecution; and

(f) shall be permitted to have without payment the assistance of an interpreter if he cannot understand the language used at the trial of the charge,

and except with his own consent the trial shall not take place in his absence unless he so conducts himself as to render the continuance of the proceedings in his presence impracticable and the court has ordered him to be removed and the trial to proceed in his absence.

(3) When a person is tried for any criminal offence, the accused person or any person authorized by him in that behalf shall, if he so requires and subject to payment of such reasonable fee as may be prescribed by law, be given within a reasonable time after judgment a copy for the use of the accused person of any record of the proceedings made by or on behalf of the court.

(4) No person shall be held to be guilty of a criminal offence on account of any act or omission that did not, at the time it took place, constitute such an offence, and no penalty shall be imposed for any criminal offence that is severer in degree or description than the maximum penalty that might have been imposed for that offence at the time when it was committed.

(5) No person who shows that he has been tried by a competent court for a criminal offence and either convicted or acquitted shall again be tried for that offence or for any other criminal offence of which he could have been convicted at the trial for that offence, save upon the order of a superior court in the course of appeal or review proceedings relating to the conviction or acquittal.

(6) No person shall be tried for a criminal offence if he shows that he has been pardoned for that offence.

(7) No person who is tried for a criminal offence shall be compelled to give evidence at the trial.

(8) No person shall be convicted of a criminal offence unless that offence is defined and the penalty therefor is prescribed in a written law:

Provided that nothing in this subsection shall prevent a court of record from punishing any person for contempt of itself notwithstanding that the act or omission constituting the contempt is not defined in a written law and the penalty therefor is not so prescribed.

(9) Any court or other adjudicating authority prescribed by law for the determination of the existence or extent of any civil right or obligation shall be established or recognized by law and shall be independent and impartial; and where proceedings for such a determination are instituted by any person before such a court or other adjudicating authority, the case shall be given a fair hearing within a reasonable time.

(10) Except with the agreement of all the parties thereto, all proceedings of every court and proceedings for the determination of the existence or extent of any civil right or obligation before any other adjudicating



authority, including the announcement of the decision of the court or other authority, shall be held in public.

(11) Nothing in subsection (10) shall prevent the court or other adjudicating authority from excluding from the proceedings persons other than the parties thereto and their legal representatives to such extent as the court or other authority—

(a) may consider necessary or expedient in circumstances where publicity would prejudice the interests of justice or in interlocutory proceedings; or

(b) may be empowered by law to do so in the interests of defence, public safety, public order, public morality, the welfare of persons under the age of 18 years or the protection of the private lives of persons concerned in the proceedings.

(12) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of—

(a) subsection (2)(a) of this section to the extent that the law in question imposes upon any person charged with a criminal offence the burden of proving particular facts;

(b) subsection (2)(d) or (2)(e) of this section to the extent that the law in question prohibits legal representation before a subordinate court in proceedings for an offence under customary law (being proceedings against any person who, under that law, is subject to that law);

(c) subsection (2)(c) of this section to the extent that the law in question imposes reasonable conditions that must be satisfied if witnesses called to testify on behalf of an accused person are to be paid their expenses out of public funds;

(d) subsection (5) of this section to the extent that the law in question authorizes a court to try a member of a disciplined force for a criminal offence notwithstanding any trial and conviction or acquittal of that member under the disciplinary law of that force, so, however, that any court so trying such a member and convicting him shall in sentencing him to any punishment take into account any punishment awarded him under that disciplinary law;

(e) subsection (8) of this section to the extent that the law in question authorizes a court to convict a person of a criminal offence under any customary law to which, by virtue of that law, such person is subject.

(13) In the case of any person who is held in lawful detention, the provisions of subsection (1), subsection (2)(d) and (e) and subsection (3) of this section shall not apply in relation to his trial for a criminal offence under the law regulating the discipline of persons held in such detention.

(14) In this section "criminal offence" means a criminal offence under the law in force in Botswana.

[Ch0000s11] 11. Protection of freedom of conscience

(1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of conscience, and for the purposes of this section

the said freedom includes freedom of thought and of religion, freedom to change his religion or belief, and freedom, either alone or in community with others, and both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance.

(2) Every religious community shall be entitled, at its own expense, to establish and maintain places of education and to manage any place of education which it wholly maintains; and no such community shall be prevented from providing religious instruction for persons of that community in the course of any education provided at any place of education which it wholly maintains or in the course of any education which it otherwise provides.

(3) Except with his own consent (or, if he is a minor, the consent of his guardian) no person attending any place of education shall be required to receive religious instruction or to take part in or attend any religious ceremony or observance if that instruction, ceremony or observance relates to a religion other than his own.

(4) No person shall be compelled to take any oath which is contrary to his religion or belief or to take any oath in a manner which is contrary to his religion or belief.

(5) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision which is reasonably required—

(a) in the interests of defence, public safety, public order, public morality or public health; or

(b) for the purpose of protecting the rights and freedoms of other persons, including the right to observe and practise any religion without the unsolicited intervention of members of any other religion, and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

[Ch0000s12] 12. Protection of freedom of expression

(1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference (whether the communication be to the public generally or to any person or class of persons) and freedom from interference with his correspondence.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

(a) that is reasonably required in the interests of defence, public safety, public order, public morality or public health; or

(b) that is reasonably required for the purpose of protecting the reputations, rights and freedoms of other persons or the private lives of persons concerned in legal proceedings, preventing the disclosure of

information received in confidence, maintaining the authority and independence of the courts, regulating educational institutions in the interests of persons receiving instruction therein, or regulating the technical administration or the technical operation of telephony, telegraphy, posts, wireless, broadcasting or television; or

(c) that imposes restrictions upon public officers, employees of local government bodies, or teachers, and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

[Ch0000s13] 13. Protection of freedom of assembly and association

(1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of assembly and association, that is to say, his right to assemble freely and associate with other persons and in particular to form or belong to trade unions or other associations for the protection of his interests.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

(a) that is reasonably required in the interests of defence, public safety, public order, public morality or public health;

(b) that is reasonably required for the purpose of protecting the rights or freedoms of other persons;

(c) that imposes restrictions upon public officers, employees of local government bodies, or teachers; or

(d) for the registration of trade unions and associations of trade unions in a register established by or under any law, and for imposing reasonable conditions relating to the requirements for entry on such a register (including conditions as to the minimum number of persons necessary to constitute a trade union qualified for registration, or of members necessary to constitute an association of trade unions qualified for registration) and conditions whereby registration may be refused on the grounds that any other trade union already registered, or association of trade unions already registered, as the case may be, is sufficiently representative of the whole or of a substantial proportion of the interests in respect of which registration of a trade union or association of trade unions is sought, and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

[Ch0000s14] 14. Protection of freedom of movement

(1) No person shall be deprived of his freedom of movement, and for the purposes of this section the said freedom means the right to move freely throughout Botswana, the right to reside in any part of Botswana, the right to enter Botswana and immunity from expulsion from Botswana.

(2) Any restriction on a person's freedom of movement that is involved in his lawful detention shall not be held to be inconsistent with or in contravention of this section.

(3) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

(a) for the imposition of restrictions that are reasonably required in the interests of defence, public safety, public order, public morality or public health or the imposition of restrictions on the acquisition or use by any person of land or other property in Botswana and except so far as that provision or, as the case may be, the thing done under the authority thereof, is shown not to be reasonably justifiable in a democratic society;

(b) for the imposition of restrictions on the freedom of movement of any person who is not a citizen of Botswana;

(c) for the imposition of restrictions on the entry into or residence within defined areas of Botswana of persons who are not Bushmen to the extent that such restrictions are reasonably required for the protection or well-being of Bushmen;

(d) for the imposition of restrictions upon the movement or residence within Botswana of public officers; or

(e) for the removal of a person from Botswana to be tried outside Botswana for a criminal offence or to undergo imprisonment in some other country in execution of the sentence of a court in respect of a criminal offence under the law in force in Botswana of which he has been convicted.

(4) If any person whose freedom of movement has been restricted by order under such a provision as is referred to in subsection (3)(a) of this section (other than a restriction which is applicable to persons generally or to general classes of persons) so requests at any time during the period of that restriction not earlier than six months after the order was made or six months after he last made such request, as the case may be, his case shall be reviewed by an independent and impartial tribunal presided over by a person, qualified to be enrolled as an advocate in Botswana, appointed by the Chief Justice.

(5) On any review by a tribunal in pursuance of this section of the case of a person whose freedom of movement has been restricted, the tribunal may make recommendations, concerning the necessity or expediency of continuing the restriction to the authority by which it was ordered but, unless it is otherwise provided by law, that authority shall not be obliged to act in accordance with any such recommendations.

[Ch0000s15] 15. Protection from discrimination on the grounds of race, etc.

(1) Subject to the provisions of subsections (4), (5) and (7) of this section, no law shall make any provision that is discriminatory either of itself or in its effect.

(2) Subject to the provisions of subsections (6), (7) and (8) of this section, no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority.

(3) In this section, the expression "discriminatory" means affording different treatment to different persons, attributable wholly or mainly to their respective descriptions by race, tribe, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.

(4) Subsection (1) of this section shall not apply to any law so far as that law makes provision—

- (a) for the appropriation of public revenues or other public funds;
- (b) with respect to persons who are not citizens of Botswana;
- (c) with respect to adoption, marriage, divorce, burial, devolution of property on death or other matters of personal law;
- (d) for the application in the case of members of a particular race, community or tribe of customary law with respect to any matter whether to the exclusion of any law in respect to that matter which is applicable in the case of other persons or not; or
- (e) whereby persons of any such description as is mentioned in subsection (3) of this section may be subjected to any disability or restriction or may be accorded any privilege or advantage which, having regard to its nature and to special circumstances pertaining to those persons or to persons of any other such description, is reasonably justifiable in a democratic society.

(5) Nothing contained in any law shall be held to be inconsistent with or in contravention of subsection (1) of this section to the extent that it makes reasonable provision with respect to qualifications for service as a public officer or as a member of a disciplined force or for the service of a local government authority or a body corporate established directly by any law.

(6) Subsection (2) of this section shall not apply to anything which is expressly or by necessary implication authorized to be done by any such provision of law as is referred to in subsection (4) or (5) of this section.

(7) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision whereby persons of any such description as is mentioned in subsection (3) of this section may be subjected to any restriction on the rights and freedoms guaranteed by sections 9, 11, 12, 13 and 14 of this Constitution, being such a restriction as is authorized by section 9(2), 11(5), 12(2) 13(2), or 14(3), as the case may be.

(8) Nothing in subsection (2) of this section shall affect any discretion relating to the institution, conduct or discontinuance of civil or criminal proceedings in any court that is vested in any person by or under this Constitution or any other law.

(9) Nothing contained in or done under the authority of any law shall be held to be inconsistent with the provisions of this section—

(a) if that law was in force immediately before the coming into operation of this Constitution and has continued in force at all times since the coming into operation of this Constitution; or

(b) to the extent that the law repeals and re-enacts any provision which has been contained in any written law at all times since immediately before the coming into operation of this Constitution.

[Ch0000s16] 16. Derogation from fundamental rights and freedoms

(1) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of section 5 or 15 of this Constitution to the extent that the law authorizes the taking during any period when Botswana is at war or any period when a declaration under section 17 of this Constitution is in force, of measures that are reasonably justifiable for the purpose of dealing with the situation that exists during that period.

(2) Where a person is detained by virtue of such an authorization as is referred to in subsection (1) of this section the following provisions shall apply—

(a) he shall, as soon as reasonably practicable and in any case not more than five days after the commencement of his detention, be furnished with a statement in writing in a language that he understands specifying in detail the grounds upon which he is detained;

(b) not more than 14 days after the commencement of his detention, a notification shall be published in the Gazette stating that he has been detained and giving particulars of the provision of law under which his detention is authorized;

(c) not more than one month after the commencement of his detention and thereafter during his detention at intervals of not more than six months, his case shall be reviewed by an independent and impartial tribunal established by law and presided over by a person, qualified to be enrolled as an advocate in Botswana, appointed by the Chief Justice; and

(d) he shall be afforded reasonable facilities to consult and instruct, at his own expense, a legal representative and he and any such legal representative shall be permitted to make written or oral representations or both to the tribunal appointed for the review of his case.

(3) On any review by a tribunal in pursuance of this section of the case of a detained person, the tribunal may make recommendations, concerning the necessity or expediency of continuing his detention, to the authority by which it was ordered but, unless it is otherwise provided by law, that authority shall not be obliged to act in accordance with any such recommendations.

[Ch0000s17] 17. Declarations relating to emergencies

(1) The President may at any time, by Proclamation published in the Gazette, declare that a state of public emergency exists.

(2) A declaration under subsection (1) of this section, if not sooner revoked, shall cease to have effect—

(a) in the case of a declaration made when Parliament is sitting or has been summoned to meet within seven days, at the expiration of a period of seven days beginning with the date of publication of the declaration; or

(b) in any other case, at the expiration of a period of 21 days beginning with the date of publication of the declaration, unless before the expiration of that period, it is approved by a resolution passed by the National Assembly, supported by the votes of a majority of all the voting members of the Assembly.

(3) Subject to the provisions of subsection (4) of this section, a declaration approved by a resolution of the National Assembly under subsection (2) of this section shall continue in force until the expiration of a period of six months beginning with the date of its being so approved or until such earlier date as may be specified in the resolution:

Provided that the National Assembly may, by resolution, supported by the votes of a majority of all the voting members of the Assembly, extend its approval of the declaration for periods of not more than six months at a time.

(4) The National Assembly may by resolution at any time revoke a declaration approved by the Assembly under this section.

[Ch0000s18] 18. Enforcement of protective provisions

(1) Subject to the provisions of subsection (5) of this section, if any person alleges that any of the provisions of sections 3 to 16 (inclusive) of this Constitution has been, is being or is likely to be contravened in relation to him, then, without prejudice to any other action with respect to the same matter which is lawfully available, that person may apply to the High Court for redress.

(2) The High Court shall have original jurisdiction—

(a) to hear and determine any application made by any person in pursuance of subsection (1) of this section; or

(b) to determine any question arising in the case of any person which is referred to it in pursuance of subsection (3) of this section, and may make such orders, issue such writs and give such direction as it may consider appropriate for the purpose of enforcing or securing the enforcement of any of the provisions of sections 3 to 16 (inclusive) of this Constitution.

(3) If in any proceedings in any subordinate court any question arises as to the contravention of any of the provisions of sections 3 to 16 (inclusive) of this Constitution, the person presiding in that court may, and shall if any party to the proceedings so requests, refer the question to the High Court unless, in his opinion, the raising of the question is merely frivolous or vexatious.

(4) Parliament may confer upon the High Court such powers in addition to those conferred by this section as may appear to be necessary or desirable for the purpose of enabling that court more effectively to exercise the jurisdiction conferred upon it by this section.

(5) Rules of court making provision with respect to the practice and procedure of the High Court for the purposes of this section may be made by

the person or authority for the time being having power to make rules of court with respect to the practice and procedure of that court generally.

[Ch0000s19] 19. Interpretation and savings

(1) In this Chapter, unless the context otherwise requires—

"court" means any court of law having jurisdiction in Botswana other than a court established by a disciplinary law, and in sections 4 and 6 of this Constitution a court established by a disciplinary law;

"disciplinary law" means a law regulating the discipline of any disciplined force;

"disciplined force" means—

- (a) a naval, military or air force;
- (b) a police force; or
- (c) a prison service;

"legal representative" means a person entitled to practise in Botswana as an advocate or attorney;

"member", in relation to a disciplined force, includes any person who, under the law regulating the discipline of that force, is subject to that discipline.

(2) In relation to any person who is a member of a disciplined force raised under an Act of Parliament, nothing contained in or done under the authority of the disciplinary law of that force shall be held to be inconsistent with or in contravention of any of the provisions of this Chapter other than sections 4, 6 and 7.

(3) In relation to any person who is a member of a disciplined force raised otherwise than as aforesaid and lawfully present in Botswana, nothing contained in or done under the authority of the disciplinary law of that force shall be held to be inconsistent with or in contravention of any of the provisions of this Chapter.

### CHAPTER III

Citizenship (ss 20-29: repealed)

[Ch0000s20to29]20 to 29 inclusive. [Repealed.]

### CHAPTER IV

The Executive (ss 30-56)

#### PART I

The President and the Vice-President (ss 30-41)

[Ch0000s30] 30. Office of President

There shall be a President of the Republic of Botswana who shall be the Head of State.

[Ch0000s31] 31. First President

(1) The first President shall be the person who immediately before 30th September, 1966 holds the office of Prime Minister under the Constitution.

(2) The first President shall be deemed to have assumed office at the coming into operation of this Constitution.

[Ch0000s32] 32. Election of President after dissolution of Parliament



(1) Whenever Parliament is dissolved an election shall be held to the office of President in such manner as is prescribed by this section and, subject thereto, by or under an Act of Parliament.

(2) Nominations in the election of a President shall be delivered to the returning officer on such day and at such time as may be prescribed by or under any law for the time being in force in Botswana; the nomination of a candidate in an election of a President shall not be valid unless it is supported, in such manner as may be prescribed by or under an Act of Parliament, by not less than 1000 persons registered as voters for the purpose of elections to the Assembly.

(3) The following provisions shall then apply—

(a) a person nominated as a Parliamentary candidate may, at the time of his nomination and subject to the provisions of paragraph (b), declare in such manner as may be prescribed by or under an Act of Parliament which of the candidates in the election of President he supports, but the nomination of a Parliamentary candidate shall be valid notwithstanding that the nomination paper does not contain such a declaration;

(b) such a declaration shall not be made in relation to any Presidential candidate unless that candidate has signified, in such manner as may be prescribed by or under an Act of Parliament, his consent to the making of a declaration in his favour by that Parliamentary candidate;

(c) where the Parliamentary election is contested in any constituency a poll shall be taken in that constituency at which the votes shall be given by ballot, and for the purposes of that poll any Parliamentary candidate who declared support in accordance with paragraph (a) for a particular Presidential candidate shall use the same voting colour and symbol, if any, as may have been allocated under any law for the time being in force in Botswana to that Presidential candidate for the purposes of the Presidential election;

(d) the returning officer shall declare to be elected as President any candidate for whom support has been declared in accordance with paragraph (a) above by not less than such number of persons elected as Members of the National Assembly in the Parliamentary election as corresponds to more than half the total number of seats for Elected Members in the Assembly, and if there is no such person the returning officer shall declare that no candidate has been elected.

(4) Parliament may make provision whereby the time for nominating Presidential candidates may be extended in the event of there being no qualified candidate nominated at the expiration of the time for the delivery of such nominations.

(5) Where, at the expiration of the time for the delivery of nominations in the election of a President, more than one qualified candidate is validly nominated and any of those candidates dies before the commencement of the poll in the Parliamentary election, the poll in the Parliamentary election shall be countermanded, fresh nominations of Parliamentary candidates shall

take place in every constituency and a fresh election of a President shall be held in accordance with the foregoing provisions of this section.

(6) Where—

(a) any candidate in an election of a President dies during the period commencing with the taking of the poll in the Parliamentary election and ending when the result of the election has been ascertained and that candidate would, but for his death, have been entitled to have been declared elected as President under subsection (3) of this section; or

(b) the returning officer declares in accordance with the provisions of subsection (3)(d) of this section that no candidate has been elected, the new National Assembly shall meet on such day (not being more than 14 days after the result of the election is ascertained or, as the case may be, the declaration that no candidate has been elected) as the Speaker shall appoint, and shall elect a person to the office of President in such manner as is prescribed by section 35(5) of this Constitution and subject thereto by or under an Act of Parliament. Such an election shall take place before the election of the Specially Elected Members of the National Assembly.

(7) A person elected to the office of President under this section shall assume that office on the day upon which he is declared elected.

(8) Without prejudice to the provisions of section 92 of this Constitution, an Elected Member of the National Assembly may, in the event of there being one or more successful election petitions following a general election, move, at the first sitting of the Assembly after the resultant by-elections have been decided and the Members thereby elected have taken their seats, that the President does not enjoy the support of the majority of the Elected Members of the Assembly; and in the voting on that question the Specially Elected Members of the Assembly shall have no vote. If it appears as a result of the voting on that question that the President does not enjoy the support of a majority of the elected Members of the Assembly, the office of President shall become vacant.

(9) Any Elected Member of the Assembly may give notice to the President that he intends to move in the Assembly a motion under subsection (8) and notwithstanding any other provision of this Constitution the President shall not after receipt of any such notice be empowered to dissolve Parliament before the conclusion of the sitting of the Assembly mentioned in the said subsection (8).

(10) If the office of President becomes vacant in accordance with subsection (8) of this section the seats of the Specially Elected Members of the Assembly shall also become vacant, and the election of a person to the office of President shall take place before the election of the Specially Elected Members.

(11) In this section—

"Parliamentary candidate" means a candidate in the Parliamentary election;

"the Parliamentary election" means the general election to elect those Members of the National Assembly who are referred to in section 58(2)(a) of this Constitution following any dissolution of Parliament;

"Presidential candidate" means a candidate for the office of President;

"the returning officer" means the returning officer specified in section 38 of this Constitution.

[Ch0000s33] 33. Qualification for election as President

(1) A person shall be qualified for election as President if, and shall not be qualified unless, he—

- (a) is a citizen of Botswana by birth or descent;
- (b) has attained the age of 30 years; and
- (c) is qualified to be elected as a Member of the National Assembly.

(2) Notwithstanding any other law to the contrary, for the purposes of this section and section 39—

(a) the term "citizen by birth" shall be understood to include only those persons who became citizens of Botswana prior to the amendment of the law relating to citizenship by the Cap. 01:01 Citizenship Act;

(b) any person who, although his father was a citizen of Botswana at the time of that person's birth, had, by virtue of his having been born outside Botswana, to be registered as a citizen of Botswana, under the law relating to citizenship in force at that time, shall be regarded as a citizen by descent.

[Ch0000s34]34. Tenure of office of President 16 of 1997, s. 2.

(1) The President shall, subject to the provisions of this section, hold office for an aggregate period not exceeding 10 years beginning from the date of his first assumption of office of President after the commencement of this Act.

(2) The President shall cease to hold the office of President if at any time during his tenure of office any circumstances arise that would, if he were not a member of the National Assembly, cause him to be disqualified for election thereto.

(3) The President shall cease to hold office of President at the expiry of the period prescribed under subsection (1) of this section, or when the person elected at the next election of President following a dissolution of Parliament assumes office.

[Ch0000s35] 35. Vacancy in office of President

16 of 1997, s. 3. (1) Whenever the President dies, resigns or ceases to hold office, the Vice-President shall assume office as President with effect from the date of the death, resignation or ceasing to be President.

(2) If the office of President—

(a) becomes vacant in circumstances in which there is no Vice-President; or

(b) is vacant whilst the Vice-President is absent from Botswana or is, by reason of physical or mental infirmity unable to perform the functions of his office,

the functions of the office of President shall, until such time as a new President assumes office in accordance with this section or section 32 of this Constitution, be performed by such Minister as the Cabinet shall appoint. For the purposes of this subsection, a certificate of the Chief Justice that the Vice-President is by reason of physical or mental infirmity unable to discharge the functions of his office, shall, in respect of any period for which it is in force, be conclusive and shall not be questioned in any court.

(3) Any person performing the functions of the office of President by virtue of subsection (1) or (2) of this section shall not exercise the power of the President to revoke the appointment of Vice-President or to dissolve Parliament.

(4) If the office of President becomes vacant, the National Assembly shall, unless Parliament is dissolved, and notwithstanding that it may be prorogued, meet on the seventh day after the office of President becomes vacant, or on such earlier day as may be appointed by the Speaker, and shall elect a person to the office in such manner as is prescribed by the next following subsection and, subject thereto, by or under an Act of Parliament.

(5) In an election of a President under this section—

(a) the Speaker shall preside at the meeting and conduct the election;

(b) a person may be a candidate if and shall not be a candidate unless he has been nominated as a candidate with his consent prior to the sitting of the National Assembly at which the election takes place, by not less than 10 Members of the National Assembly entitled to vote in that election;

(c) at the election every Member of the Assembly except the Speaker and the Attorney-General shall be entitled to vote;

(d) the votes of the Members of the Assembly who are entitled to vote shall be given by ballot in such manner as not to disclose how any particular Member voted, and any person who receives the votes of more than one half of the total number of persons entitled to vote shall be declared elected as President;

(e) a person elected as President under this section shall assume the office of President on the day upon which he is declared to be elected;

(f) not more than three ballots shall be taken unless in the opinion of the Speaker the holding of further ballots is likely to result in the election of a President, in which case not more than two further ballots may be taken;

(g) only one ballot shall be taken at any sitting of the Assembly, and the Speaker may adjourn the meeting at which a second or subsequent ballot is to be taken for such number of days (in addition to the days on which and to which the meeting is adjourned), not being more than two, as he thinks fit;

(h) if there is no candidate duly nominated for the first ballot in accordance with paragraph (b) or if after the number of ballots permitted under paragraph (f) have been taken no candidate has been declared elected Parliament shall stand dissolved or, in the case of a Presidential election held

in accordance with section 32(6) of this Constitution, the foregoing general election shall be void.

(6) No business other than the election of a President shall be transacted at a meeting of the National Assembly under subsection (4) of this section or under section 32(6) of this Constitution and such a meeting or any sitting thereof shall not be regarded as a meeting or sitting of the Assembly for the purposes of any other provision of this Constitution.

(7) At any time when the office of Speaker is vacant or the holder of that office is unable by reason of absence or illness to exercise the functions vested in him by this section and section 32(6) of this Constitution, those functions may be exercised by the Deputy Speaker of the National Assembly or, if there is no Deputy Speaker or the Deputy Speaker is unable by reason of absence or illness to exercise those functions, by such member of the Assembly (not being the President or Vice-President or a Minister or Assistant Minister) as the Assembly may elect for that purpose.

[Ch0000s36] 36. Discharge of functions of President during absence, illness, etc.

(1) Whenever the President is absent from Botswana or considers it desirable to do so by reason of illness or any other cause he may, by directions in writing, authorize—

- (a) the Vice-President; or
- (b) during any period when there is no Vice-President or the Vice-President is absent from Botswana or is, by reason of physical or mental infirmity, unable to perform the functions of his office, some other Minister, to discharge such of the functions of the office of President as he may specify, and the Vice-President or other Minister may discharge those functions until his authority is revoked by the President.

(2) If the President is incapable by reason of physical or mental infirmity of discharging the functions of his office and the infirmity is of such a nature that the President is unable to authorize another person under this section to perform those functions—

- (a) the Vice-President; or
- (b) during any period when there is no Vice-President or the Vice-President is absent from Botswana or the Vice-President is, by reason of physical or mental infirmity, unable to perform the functions of his office, such Minister as the Cabinet shall appoint, shall perform the functions of the office of President.

(3) A person performing the functions of the office of President under this section shall not exercise the power of the President to revoke the appointment of the Vice-President or to dissolve Parliament.

(4) A person performing the functions of the office of President by virtue of subsection (2) of this section shall cease to perform those functions if he is notified by the President that the President is about to resume those functions.

(5) For the purposes of this section, a certificate of the Chief Justice that—

(a) the President is incapable by reason of physical or mental infirmity of discharging the functions of his office and the infirmity is of such a nature that the President is unable to authorize another person under this section to perform the functions of his office; or

(b) the Vice-President is by reason of physical or mental infirmity unable to discharge the functions of his office, shall, in respect of any period for which it is in force, be conclusive and shall not be questioned in any court:

Provided that any such certificate as is referred to in paragraph (a) of this subsection shall cease to have effect if the President notifies any person under subsection (4) of this section that he is about to resume the functions of the office of President.

[Ch0000s37] 37. Oath of President

A person assuming the office of President shall, before entering upon the duties of that office, take and subscribe such oaths as may be prescribed by Parliament.

[Ch0000s38] 38. Returning officer at elections of President

(1) The Chief Justice shall be the returning officer for the purposes of elections to the office of President.

(2) Any question which may arise as to whether—

(a) any provision of this Constitution or any law relating to the election of a President under section 32 or 35 of this Constitution has been complied with; or

(b) any person has been validly elected as President under those sections, shall be referred to and determined by the returning officer whose decision shall not be questioned in any court.

[Ch0000s39] 39. Vice President

16 of 1997, s. 4. (1) There shall be a Vice-President who shall be appointed by the President from among the Elected Members of the National Assembly who are citizens of Botswana by birth or descent, which appointment shall be endorsed by the said Elected Members.

(2) The Vice-President shall continue in office until a person elected at the next election of President under section 32 or 35 of this Constitution assumes office:

Provided that the office of Vice-President shall become vacant—

(i) if the appointment of the holder of the office is revoked by the President; or

(ii) if the holder of the office ceases to be a Member of the National Assembly for any other reason than a dissolution of Parliament.

(3) The Vice-President shall not enter upon the duties of his office unless he has taken and subscribed the oath of allegiance and such oath for the due execution of his office as may be prescribed by Parliament.

(4) If the Vice-President is absent from Botswana or is incapable by reason of illness or any other cause of discharging the functions of his office, the President may appoint a person, from among the Members of the Assembly, to perform the functions of the office of Vice-President and any person so appointed may discharge those functions accordingly:

Provided that a person appointed under this subsection shall cease to perform the functions of the office of Vice-President—

- (i) if his appointment is revoked by the President;
- (ii) if he ceases to be a Member of the Assembly otherwise than by reason of a dissolution of Parliament;
- (iii) upon the assumption by any person of the office of President; or
- (iv) upon the President giving him notice that the Vice-President is about to resume his functions.

(5) Where the Vice-President is performing the functions of the office of President in accordance with section 35 or 36 of this Constitution he may appoint a person, from among the Members of the Assembly, to perform the functions of the office of Vice-President and any person so appointed may discharge those functions accordingly:

Provided that a person appointed under this subsection shall cease to perform the functions of the office of Vice-President—

- (i) if his appointment is revoked by the Vice-President;
- (ii) if he ceases to be a Member of the Assembly otherwise than by reason of a dissolution of Parliament; or
- (iii) if the Vice-President ceases to perform the functions of the office of President.

(6) In this section references to Members of the Assembly shall, in the event of Parliament being dissolved, be construed as references to those persons who immediately before the dissolution were Members of the Assembly.

[Ch0000s40] 40. Salary and allowances of President

(1) The President shall receive such salary and allowances as may be prescribed by resolution of the National Assembly, which shall be a charge on the general revenues of the Republic.

(2) The salary and allowances of the President shall not be altered to his disadvantage during his period of office.

(3) A person who has held the office of President shall receive such pension or, upon the expiration of his term of office, such gratuity as may be prescribed by resolution of the National Assembly, which shall be a charge on the Consolidated Fund.

[Ch0000s41] 41. Protection of President in respect of legal proceedings

(1) Whilst any person holds or performs the functions of the office of President no criminal proceedings shall be instituted or continued against him in respect of anything done or omitted to be done by him either in his official capacity or in his private capacity and no civil proceedings shall be instituted

or continued in respect of which relief is claimed against him in respect of anything done or omitted to be done in his private capacity.

(2) Where provision is made by law limiting the time within which proceedings of any description may be brought against any person, the term of any person in the office of President shall not be taken into account in calculating any period of time prescribed by that law which determines whether any such proceedings as are mentioned in subsection (1) of this section may be brought against that person.

## PART II

### The Cabinet (ss 42-46)

#### [Ch0000s42] 42. Ministers and Assistant Ministers

(1) There shall be such offices of Minister of the Government (not exceeding six or such other number as Parliament may from time to time provide) as may be established by Parliament or, subject to the provisions of any Act of Parliament, by the President.

(2) There shall be such offices of Assistant Minister (not exceeding three or such number as Parliament may from time to time provide) as may be established by Parliament or, subject to the provisions of any Act of Parliament, by the President.

(3) Appointments to the office of Minister or Assistant Minister shall be made by the President from among Members of the National Assembly:

Provided that—

(i) not more than four persons may be appointed as Minister or Assistant Minister from amongst persons who are not Members of the Assembly but are qualified for election as such; and

(ii) if occasion arises for making an appointment to the office of a Minister or an Assistant Minister while Parliament is dissolved a person who was a Member of the Assembly before the dissolution may be appointed as a Minister or an Assistant Minister.

#### [Ch0000s43] 43. Tenure of office of Ministers and Assistant Ministers

The office of any Minister or Assistant Minister shall become vacant—

(a) in the case of a Minister or Assistant Minister appointed from among the Members of the National Assembly, or in the case of a Minister or Assistant Minister appointed from among persons who are not Members of the Assembly who becomes a Member of the Assembly before the expiration of four months from the date of his appointment—

(i) if he ceases to be a Member of the National Assembly otherwise than by reason of a dissolution of the National Assembly; or

(ii) if, at the first sitting of the Assembly after a general election, he is not a Member of the Assembly;

(b) in the case of a Minister or Assistant Minister appointed from among persons who are not Members of the Assembly, if before the expiration of four months from the date of his appointment—



(i) circumstances arise (other than a dissolution of the Assembly) that, if he were such a Member, would cause him to vacate his seat in the Assembly; or

(ii) he does not become a Member of the Assembly;

(c) if the holder of the office is removed from office by the President;

(d) upon the assumption by any person of the office of President.

[Ch0000s44] 44. Cabinet

(1) There shall be a Cabinet which shall consist of the President, Vice-President and the Ministers.

(2) There shall preside at meetings of the Cabinet—

(a) the President;

(b) in the absence of the President, the Vice-President; or

(c) in the absence of the President and the Vice-President, such Minister as the President may designate.

(3) The Cabinet may act notwithstanding any vacancy in its membership.

[Ch0000s45] 45. Oaths to be taken by Ministers and Assistant Ministers

The Vice-President, a Minister or an Assistant Minister shall not enter upon the duties of his office unless he has taken and subscribed the oath of allegiance and such oath for the due execution of his office as may be prescribed by Parliament.

[Ch0000s46] 46. Secretary to the Cabinet

(1) There shall be a Secretary to the Cabinet whose office shall be a public office.

(2) The Secretary to the Cabinet shall have charge of the Cabinet Office and shall be responsible, in accordance with such instructions as may be given to him by the President, for arranging the business for, and keeping the minutes of, the Cabinet, for conveying decisions of the Cabinet to the appropriate person or authority, and shall have such other functions as the President may from time to time direct.

### PART III

#### Executive Functions (ss 47-56)

[Ch0000s47] 47. Functions of President

(1) The executive power of Botswana shall vest in the President and, subject to the provisions of this Constitution, shall be exercised by him either directly or through officers subordinate to him.

(2) In the exercise of any function conferred upon him by this Constitution or any other law the President shall, unless it is otherwise provided, act in his own deliberate judgment and shall not be obliged to follow the advice tendered by any other person or authority.

(3) Nothing in this section shall prevent Parliament from conferring functions on persons or authorities other than the President.

[Ch0000s48] 48. Command of armed forces

(1) The supreme command of the armed forces of the Republic shall vest in the President and he shall hold the office of Commander in Chief.

(2) The powers conferred on the President by subsection (1) of this section shall include—

- (a) the power to determine the operational use of the armed forces;
- (b) the power to appoint members of the armed forces, to make appointments on promotion to any office in the armed forces and to dismiss any member of the armed forces.

(3) The President may, by directions in writing and subject to such conditions as he may think fit, delegate to any member of the armed forces any of the powers mentioned in subsection (2) of this section.

(4) Parliament may regulate the exercise of the powers conferred by or under this section.

[Ch0000s49] 49. Functions of Vice-President

The Vice-President shall be the principal assistant of the President in the discharge of his executive functions and shall be responsible, under the directions of the President, for such business of the government of Botswana (including the administration of any department of Government) as the President may assign to him.

[Ch0000s50] 50. Functions of Cabinet Ministers and Assistant Ministers

(1) The Cabinet shall be responsible for advising the President with respect to the policy of the Government and with respect to such other matters as may be referred to it by the President and shall, subject to the provisions of this Constitution, be responsible to the National Assembly for all things done by or under the authority of the President, Vice-President or any Minister in the execution of his office.

(2) The President shall, so far as practicable and subject to the provisions of this Constitution, consult the Cabinet on matters of policy and the exercise of his functions.

(3) The obligation of the President to consult his Cabinet and for the Cabinet to accept responsibility under this section shall not apply to the exercise by the President of his powers in relation to the appointment or removal of the Vice-President, Ministers and Assistant Ministers, the dissolution of Parliament, the Prerogative of Mercy, the assignment of responsibility to the Vice-President or any Minister and the specification of the functions of an Assistant Minister.

(4) A Minister shall be responsible, under the direction of the President, for such business of the government of Botswana (including the administration of any department of Government) as the President may assign to him.

(5) An Assistant Minister shall—

- (a) assist the President or the Vice-President in the discharge of such of the functions of the office of President or Vice-President as the President may specify; or

(b) assist such Minister in the discharge of the functions assigned to him under subsection (4) of this section as the President may specify.

[Ch0000s51] 51. Attorney-General

(1) There shall be an Attorney-General whose office shall be a public office.

(2) The Attorney-General shall be the principal legal adviser to the Government of Botswana.

(3) The Attorney-General shall have power in any case in which he considers it desirable to do so—

(a) to institute and undertake criminal proceedings against any person before any court (other than a court-martial) in respect of any offence alleged to have been committed by that person;

(b) to take over and continue any such criminal proceedings that have been instituted or undertaken by any other person or authority; and

(c) to discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or any other person or authority.

(4) The powers of the Attorney-General under subsection (3) may be exercised by him in person or by officers subordinate to him acting in accordance with his general or special instructions.

(5) The powers conferred on the Attorney-General by paragraphs (b) and (c) of subsection (3) shall be vested in him to the exclusion of any other person or authority:

Provided that where any other person or authority has instituted criminal proceedings, nothing in this subsection shall prevent the withdrawal of those proceedings by or at the instance of that person or authority and with the leave of the court.

(6) For the purposes of this section, any appeal from any judgment in any criminal proceedings before any court, or any case stated or question of law reserved for the purpose of any such proceedings, to any other court shall be deemed to be part of those proceedings:

Provided that the power conferred on the Attorney-General by subsection (3)(c) of this section shall not be exercised in relation to any appeal by a person convicted in any criminal proceedings or to any case stated or question of law reserved at the instance of such a person.

(7) In the exercise of the functions vested in him by subsection (3) of this section, the Attorney-General shall not be subject to the direction or control of any other person or authority.

[Ch0000s52] 52. Permanent Secretaries

Where any Minister has been charged with responsibility for any department of Government, he shall exercise general direction and control over that department and, subject to such direction and control, the department shall be under the supervision of a Permanent Secretary whose office shall be a public office.

[Ch0000s53] 53. Prerogative of Mercy

The President may—

- (a) grant to any person convicted of any offence a pardon, either free or subject to lawful conditions;
- (b) grant to any person a respite, either indefinite or for a specified period, of the execution of any punishment imposed on that person for any offence;
- (c) substitute a less severe form of punishment for any punishment imposed on any person for any offence; and
- (d) remit the whole or part of any punishment imposed on any person for any offence or of any penalty or forfeiture otherwise due to the Government on account of any offence.

[Ch0000s54] 54. Advisory Committee on Prerogative of Mercy

(1) There shall be an Advisory Committee on the Prerogative of Mercy which shall consist of—

- (a) the Vice-President or a Minister appointed by the President by instrument in writing under his hand;
- (b) the Attorney-General; and
- (c) a person qualified to practise in Botswana as a medical practitioner, appointed by the President by instrument in writing under his hand.

(2) A member of the Committee appointed under subsection (1)(a) or (c) of this section shall hold his seat thereon for such period as may be specified in the instrument by which he was appointed:

Provided that his seat shall become vacant—

- (i) in the case of a person who, at the date of his appointment, was the Vice-President or a Minister, if he ceases to be the Vice-President or a Minister; or
- (ii) if the President, by instrument in writing under his hand, so directs.

(3) The Committee shall not be summoned except by the authority of the President who shall, as far as is practicable, attend and preside at all meetings of the Committee, and, in the absence of the President, the member of the Committee appointed under subsection (1)(a) of this section shall preside.

(4) The Committee may act notwithstanding any vacancy in its membership and its proceedings shall not be invalidated by the presence or participation of any person not entitled to be present at or to participate in those proceedings.

(5) Subject to the provisions of this section, the Committee may regulate its own procedure.

[Ch0000s55] 55. Functions of Advisory Committee on Prerogative of Mercy

(1) Where any person has been sentenced to death for any offence, the President shall cause a written report of the case from the trial judge, together with such other information derived from the record of the case or

elsewhere as he may require, to be considered at a meeting of the Advisory Committee on the Prerogative of Mercy; and after obtaining the advice of the Committee he shall decide whether to exercise any of his powers under section 53 of this Constitution.

(2) The President may consult with the Committee before deciding whether to exercise any of his powers under the said section 53 in any case not falling within subsection (1) of this section.

[Ch0000s56] 56. Constitution of offices

Subject to the provisions of this Constitution and of any Act of Parliament, the powers of constituting and abolishing offices for Botswana shall vest in the President.

## CHAPTER V

Parliament (ss 57-94)

### PART I

Composition (ss 57-70)

[Ch0000s57] 57. Parliament

There shall be a Parliament of Botswana which shall consist of the President and a National Assembly.

[Ch0000s58] 58. Composition of National Assembly

(1) The President shall be ex-officio a member of the National Assembly, and shall be entitled to speak and to vote in all proceedings of the National Assembly.

(2) In addition to the President the National Assembly shall consist of—  
27 of 1992, s. 2, 12 of 2002, s. 2. (a) 57 Elected Members who shall be elected in accordance with the provisions of this Constitution and subject thereto in accordance with the provisions of any Act of Parliament;

(b) four Specially Elected Members who shall be elected in accordance with the provisions of the Schedule to this Constitution and subject thereto in accordance with the provisions of any Act of Parliament; and

(c) the Attorney-General.

(3) If a person who is not a member of the National Assembly is elected to the office of Speaker of the National Assembly, that person shall, by virtue of holding that office, be a member of the Assembly in addition to the members referred to in subsections (1) and (2) of this section.

[Ch0000s59] 59. Speaker

(1) There shall be a Speaker of the National Assembly who shall be elected by the Members of the Assembly from among persons who are Members of the Assembly or from among persons who are not Members of the Assembly.

(2) The President, the Vice-President, a Minister, an Assistant Minister or a public officer shall not be qualified to be elected as Speaker.

(3) The Speaker shall vacate his office—

(a) if, having been elected from among the Members of the National Assembly, he ceases to be a Member of the Assembly otherwise than by

reason of a dissolution of Parliament or if he is required by virtue of section 68(2) to (3) of this Constitution, to cease to perform his functions as a Member of the Assembly;

(b) if any circumstances arise that, if he were not Speaker, would disqualify him for election as such;

(c) when the Assembly first sits after any dissolution of Parliament; or

(d) if he is removed from office by a resolution of the Assembly supported by the votes of not less than two-thirds of all the Members thereof.

(4) No business shall be transacted in the National Assembly (other than an election to the office of Speaker) at any time when the office of Speaker is vacant.

[Ch0000s60] 60. Deputy Speaker

(1) There shall be a Deputy Speaker of the National Assembly who shall be elected from among the persons who are Members of the Assembly other than the President, the Vice-President, Ministers or Assistant Ministers.

(2) The Members of the National Assembly shall elect a person to the office of Deputy Speaker when the Assembly first sits after any dissolution and, if the office becomes vacant otherwise than by reason of the dissolution of the Assembly, at the first sitting of the Assembly after the office becomes vacant.

(3) The Deputy Speaker shall vacate his office—

(a) if he ceases to be a Member of the National Assembly, otherwise than by reason of a dissolution of Parliament;

(b) if any circumstances arise that, if he were not Deputy Speaker, would disqualify him for election as such;

(c) if he is required, by virtue of section 68(2) to (3) of this Constitution, to cease to perform his functions as a Member of the Assembly;

(d) if he is elected as Speaker;

(e) if he is removed from office by a resolution of the Assembly supported by the votes of not less than two-thirds of all the Members of the Assembly; or

(f) when the Assembly first sits after any dissolution of Parliament.

[Ch0000s61] 61. Qualifications for election to National Assembly

Subject to the provisions of section 62 of this Constitution, a person shall be qualified to be elected as a Member of the National Assembly if, and shall not be qualified to be so elected unless—

(a) he is a citizen of Botswana;

16 of 1997, s. 5. (b) he has attained the age of 18 years;

(c) he is qualified for registration as a voter for the purposes of the election of the Elected Members of the National Assembly and is so registered; and

(d) he is able to speak, and, unless incapacitated by blindness or other physical cause, to read English well enough to take an active part in the proceedings of the Assembly.

[Ch0000s62] 62. Disqualifications for membership of National Assembly

(1) No person shall be qualified to be elected as a Member of the National Assembly who—

(a) is, by virtue of his own act, under any acknowledgement of allegiance, obedience or adherence to a foreign power or state;

(b) has been declared insolvent or adjudged or otherwise declared bankrupt under any law for the time being in force in Botswana and has not been discharged, or has made a composition with his creditors and has not paid his debts in full;

(c) is certified to be insane or otherwise adjudged or declared to be of unsound mind under any law for the time being in force in Botswana;

(d) is a Member of the House of Chiefs;

(e) subject to such exceptions as may be prescribed by Parliament, holds any public office, or is acting in any public office by virtue of a contract of service expressed to continue for a period exceeding six months;

S.I. 119/1993. (f) is under sentence of death imposed on him by a court in any part of the Commonwealth, or is under a sentence of imprisonment (by whatever name called) exceeding six months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court;

(g) holds, or is acting in, any office the functions of which involve any responsibility for, or in connection with, the conduct of any elections to the Assembly or the compilation or revision of any electoral register for the purposes of such elections.

(2) Parliament may provide that a person shall not be qualified for election to the National Assembly for such period (not exceeding five years) as may be prescribed if he is convicted of any such offence connected with elections to the Assembly as may be prescribed.

(3) For the purposes of this section two or more terms of imprisonment that are required to be served consecutively shall be regarded as a single term of imprisonment for the aggregate period of those terms, and no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine.

[Ch0000s63] 63. Constituencies

Botswana shall be divided into as many constituencies as there are Elected Members of the National Assembly and each of those constituencies shall return one Member to the National Assembly.

[Ch0000s64] 64. Delimitation Commission

(1) The Judicial Service Commission shall, not later than 1st March, 1969, and thereafter at intervals of not less than five nor more than 10 years, appoint a Delimitation Commission consisting of a Chairman and not more than four other members.

(2) Notwithstanding the provisions of subsection (1) of this section, at any time when—

(a) Parliament has made provision altering the number of seats of Elected Members in the National Assembly; or

(b) a comprehensive national population census is held in Botswana,

the Judicial Service Commission shall, as soon as practicable thereafter, appoint a Delimitation Commission.

(3) The Chairman of a Delimitation Commission shall be selected from among persons who hold or have held high judicial office.

(4) No person shall be qualified to be appointed as Chairman or member of a Delimitation Commission who—

(a) is a Member of the National Assembly;

(b) is or has been within the preceding five years actively engaged in politics; or

(c) is a public officer.

(5) A person shall be deemed to be actively engaged in politics or to have been so engaged during the relevant period if—

(a) he is, or was at any time during that period, a Member of the National Assembly;

(b) he is, or was at any time during that period, nominated as a candidate for election to the National Assembly; or

(c) he is, or was at any time during that period, the holder of an office in any political organization that sponsors or supports, or has at any time sponsored or supported, a candidate for election as a Member of the National Assembly:

Provided that no person shall be disqualified from holding the office of Chairman or member of a Delimitation Commission by reason only of the fact that he has been the Speaker of the National Assembly if he was elected to that office from amongst persons who were not Members of the National Assembly.

(6) The office of Chairman or other member of the Delimitation Commission shall become vacant if circumstances arise that, were he not Chairman or member of the Delimitation Commission, would disqualify him for appointment as such.

(7) If, after the appointment of the Delimitation Commission and before the Commission has submitted its report under section 65, the office of Chairman or any other member of the Commission falls vacant or the holder of the office becomes unable for any reason to discharge his functions as a member of the Commission, the Judicial Service Commission may, subject to the provisions of subsections (3) to (5) of this section, appoint another person to be a member of the Commission:

Provided that a member appointed under this section because of the inability of some other member to discharge his functions shall cease to be a member of the Commission when, in the opinion of the Judicial Service Commission, that other member is able to resume his functions as a member of the Commission.



[Ch0000s65] 65. Report of Commission

(1) Whenever a Delimitation Commission has been appointed the Commission shall as soon as practicable submit to the President a report which shall state whether any alteration is necessary to the boundaries of the constituencies in order to give effect to subsection (2) of this section or in consequence of any alteration in the number of seats of Elected Members in the National Assembly and where any alteration is necessary shall include a list of the constituencies delimited by the Commission and a description of the boundaries of those constituencies.

(2) The boundaries of each constituency shall be such that the number of inhabitants thereof is as nearly equal to the population quota as is reasonably practicable:

Provided that the number of inhabitants of a constituency may be greater or less than the population quota in order to take account of natural community of interest, means of communication, geographical features, density of population, and the boundaries of Tribal Territories and administrative districts.

(3) In this section "population quota" means the number obtained by dividing the number of inhabitants of Botswana (as ascertained by reference to the latest comprehensive national population census in Botswana) by the number of constituencies into which Botswana is divided under section 63 of this Constitution.

(4) The President shall as soon as practicable after the submission of the report of the Delimitation Commission, by Proclamation published in the Gazette, declare the boundaries of the constituencies as delimited by the Commission.

(5) A Proclamation made under subsection (4) of this section shall come into force at the next dissolution of the National Assembly after it is made.

(6) The Commission may by regulation or otherwise regulate its own procedure and may, subject to its rules of procedure, act notwithstanding any vacancy in its membership or the absence of any member and its proceedings shall not be invalidated by the presence or participation of any person not entitled to be present at or to participate in those proceedings:

Provided that any decision of the Commission shall require the concurrence of a majority of all its members.

(7) In the exercise of its functions under this section the Delimitation Commission shall not be subject to the direction or control of any other person or authority.

(8) A Delimitation Commission shall stand dissolved upon the date on which its report is delivered to the President.

[Ch0000s65A]65A. Appointment of Independent Electoral Commission 18 of 1997, s. 2.

(1) There shall be an Independent Electoral Commission which shall consist of—

(a) a Chairman who shall be a judge of the High Court appointed by the Judicial Service Commission;

(b) a legal practitioner appointed by the Judicial Service Commission; and

(c) five other persons who are fit, proper and impartial, appointed by the Judicial Service Commission from a list of persons recommended by the All Party Conference.

(2) Where the All Party Conference fail to agree on all or any number of persons referred to in subsection (1)(c) of this section up to dissolution of Parliament, the Judicial Service Commission shall appoint such person or persons as are necessary to fill any vacancy.

(3) For the purposes of this section, "All Party Conference" means a meeting of all registered political parties convened from time to time by the Minister.

(4) The first appointments of the Chairman and the Members of the Commission shall be made not later than 31st January, 1999, and thereafter subsequent appointments shall be made at the last dissolution of every two successive lives of Parliament.

(5) The Chairman and the members of the Commission shall hold office for a period of two successive lives of Parliament.

(6) A person shall not be qualified to be appointed as a member of the Independent Electoral Commission if—

(a) he has been declared insolvent or adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth and has not been discharged, or has made a composition with his creditors and has not paid his debts in full; or

(b) he has been convicted of any offence involving dishonesty in any country.

(7) A person appointed a member of the Commission shall not enter upon the duties of the office of Commissioner until he has taken and subscribed the oath of allegiance and such oath for the due execution of his office as may be prescribed by an Act of Parliament.

(8) The Commission shall regulate its own procedure and proceedings.

(9) The Chairman shall preside over all proceedings, and in his absence, the legal practitioner referred to in subsection (1)(b) shall preside over the proceedings.

(10) The quorum shall be four members, one of whom shall be the Chairman or the said legal practitioner.

(11) All issues shall be decided by the decision of the majority of the members present and voting.

(12) The Commission shall be responsible for—

(a) the conduct and supervision of elections of the Elected Members of the National Assembly and members of a local authority, and conduct of a referendum;

- (b) giving instructions and directions to the Secretary of the Commission appointed under section 66 in regard to the exercise of his functions under the electoral law prescribed by an Act of Parliament;
- (c) ensuring that elections are conducted efficiently, properly, freely and fairly; and
- (d) performing such other functions as may be prescribed by an Act of Parliament.

(13) The Commission shall on the completion of any election conducted by it, submit a report on the exercise of its functions under the preceding provisions of this section to the Minister for the time being responsible for matters relating to such elections, and that Minister shall, not later than seven days after the National Assembly first meets after he has received the report, lay it before the National Assembly.

[Ch0000s66]66. Appointment of Secretary to Independent Electoral Commission 18 of 1997, s. 3.

(1) There shall be a Secretary to the Independent Electoral Commission referred to in section 65A (in this section referred to as “the Secretary”).

(2) The Secretary shall be appointed by the President.

(3) The functions of the Secretary shall, subject to the directions and supervision of the Independent Electoral Commission, be to exercise general supervision over the registration of voters for elections of—

- (a) the Elected Members of the National Assembly; and
- (b) the members of any local authority,

and over the conduct of such elections.

(4) A person shall not be qualified to be appointed as Secretary to the Independent Electoral Commission if—

- (a) he is not a citizen of Botswana;
- (b) he has been declared insolvent or adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth and has not been discharged, or has made a composition with his creditors and has not paid his debts in full; or
- (c) he has been convicted of any offence involving dishonesty in any country.

(5) A person shall not enter upon the duties of the office of Secretary until he has taken and subscribed to the oath of allegiance and such oath for the due execution of his office as may be prescribed by an Act of Parliament.

(6) For the purposes of the exercise of his functions under subsection (3) of this section, the Secretary may give such directions as he considers necessary or expedient to any registering officer, presiding officer or returning officer relating to the exercise by that officer of his functions under any law regulating the registration of voters or the conduct of elections, and any officer to whom directions are given under this subsection shall comply with those directions.

(7) Subject to the provisions of this section, a person holding office as Secretary shall vacate that office on attaining the age of 65 years or such other age as may be prescribed by an Act of Parliament.

(8) A holder of the office of Secretary may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of body or mind or from any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of this section.

(9) If the President considers that the question of removing the Secretary ought to be investigated then—

(a) he shall appoint a tribunal which shall consist of a Chairman and not less than two members who hold or have held high judicial office;

(b) the tribunal shall enquire into and report on the facts thereof to the President and advise the President whether the Secretary ought to be removed from office under this section for inability to perform the functions of his office or for misbehaviour.

(10) Where a tribunal appointed under subsection (9) advises the President that the Secretary ought to be removed for inability to perform the functions of his office or for misbehaviour, the President shall remove him from office.

(11) If the question of removing the Secretary from office has been referred to a tribunal under subsection (9) of this section, the President may suspend him from performing the functions of his office, and any such suspension may at any time be revoked by the President and shall cease to have effect if the tribunal advises the President that the Secretary ought not to be removed from office.

[Ch0000s67] 67. The franchise

(1) A person who—

(a) is a citizen of Botswana or of any other country to which this section is applied by Parliament;

18 of 1997, s. 4(a). (b) has attained the age of 18 years; and

(c) has either resided in Botswana for a continuous period of at least 12 months immediately preceding the date on which he applies for registration as a voter or was born in Botswana and is domiciled in Botswana on the date on which he applies for registration as a voter, shall, unless he is disqualified for registration as a voter under any law, be entitled, upon his making application in that behalf at such time and in such manner as may be prescribed by any law, to be registered as a voter for the purposes of elections of Elected Members of the National Assembly, and no other person may be so registered.

(2) A person who has not continuously resided in Botswana for the period mentioned in paragraph (c) of subsection (1) of this section but has during the whole period retained his residence (or if he has more than one residence, his principal residence) in Botswana and has been absent therefrom for some temporary purpose only shall be deemed for the purposes

of the said paragraph (c) to have been resident in Botswana during such absence.

(3) A person shall be entitled to be registered as a voter—

(a) in the constituency in which he has his residence, or if he has more than one residence in Botswana in the constituency in which he has his principal residence; or

18 of 1997, s. 4(b). (b) in the case of a person who does not have a residence in Botswana but is able to register in person, in the constituency in which he last resided, or in which he was born; or

18 of 1997, s. 4(b). (c) in the case of a person who is not resident in Botswana and is unable to register in person, at such place as may be prescribed by Parliament and registration at such place shall be treated as registration in the constituency in which he last resided, or in which he was born in Botswana.

(4) A person shall be entitled to be registered as a voter in one constituency only.

(5) Every person who is registered in any constituency as a voter for the purposes of elections of the Elected Members of the National Assembly shall, unless he is disqualified by Parliament from voting in such elections on the grounds of his having been convicted of an offence in connection with the elections or on the grounds of his having been reported guilty of such an offence by the court trying an election petition or on the grounds of his being in lawful custody at the date of the election, be entitled so to vote in that constituency in accordance with the provisions made by or under a law in that behalf; and no other person may so vote.

[Ch0000s68] 68. Tenure of office of Members

(1) The seat of an Elected Member or a Specially Elected Member of the National Assembly shall become vacant—

(a) upon the dissolution of Parliament;

(b) if he is absent from the sittings of the Assembly for such period and in such circumstances as may be prescribed in the rules of procedure of the Assembly;

(c) subject to the provisions of subsections (2) to (3) of this section, if any circumstances arise that, if he were not a Member of the Assembly, would cause him to be disqualified for election thereto.

(2) If circumstances such as are referred to in paragraph (c) of the preceding subsection arise in relation to a Member of the Assembly by virtue of the fact that he is declared insolvent, adjudged to be of unsound mind, sentenced to death or imprisonment, or convicted of an election offence and it is open to the Member to appeal against the decision (either with the leave of the court or other authority or without such leave), he shall forthwith cease to perform his functions as a Member of the Assembly but, subject to the next following subsection, he shall not vacate his seat until the expiration of a period of 30 days thereafter:

Provided that the Speaker may, at the request of the Member, from time to time extend that period for further periods of 30 days to enable the Member to pursue an appeal against the decision, so, however, that extensions of time exceeding in the aggregate 150 days shall not be given without the approval of the Assembly signified by resolution.

(3) If, on the determination of any appeal, such circumstances continue to exist and no further appeal is open to the Member of the Assembly, or if, by reason of the expiration of any period for entering an appeal or notice thereof or the refusal of leave to appeal or for any other reason, it ceases to be open to the Member to appeal, he shall forthwith vacate his seat.

(4) If at any time before the Member of the Assembly vacates his seat such circumstances as aforesaid cease to exist, his seat shall not become vacant by reason of those circumstances, and he may resume the performance of his functions as a Member of the Assembly.

[Ch0000s69] 69. Determination of questions as to membership of National Assembly

(1) The High Court shall have jurisdiction to hear and determine any question whether—

(a) any person has been validly elected as an Elected Member of the National Assembly or the seat of any such Member has become vacant;

(b) any person has been validly elected as Speaker of the Assembly or, having been so elected, has vacated the office of Speaker.

(2) Any question whether any person has been validly elected as a Specially Elected Member of the National Assembly or whether the seat of any such Member has become vacant shall be determined by the Speaker.

(3) Parliament may make provision with respect to—

(a) the persons who may apply to the High Court for the determination of any question under this section;

(b) the circumstances and manner in which the conditions upon which any such application may be made; and

(c) the powers, practice and procedure of the High Court in relation to any such application.

[Ch0000s70] 70. Clerk of the Assembly

(1) There shall be a Clerk of the National Assembly and an Assistant Clerk of the National Assembly and their offices shall be offices in the public service.

(2) There shall be such other offices in the department of the Clerk of the Assembly as may be prescribed by resolution of the National Assembly and such offices shall be offices in the public service.

## PART II

General Provisions Relating to Procedure in National Assembly (ss 71-76)

[Ch0000s71] 71. Oaths to be taken by Speaker and Members

The Speaker, before assuming the duties of his office, and every Member of the National Assembly before taking his seat therein, shall take and subscribe before the Assembly the oath of allegiance.

[Ch0000s72] 72. Presiding in Assembly

There shall preside at any sitting of the National Assembly—

- (a) the Speaker;
- (b) in the absence of the Speaker, the Deputy Speaker; or
- (c) in the absence of the Speaker and the Deputy Speaker, such

Member of the Assembly (not being the President or Vice-President or a Minister or Assistant Minister) as the Assembly may elect for that sitting.

[Ch0000s73] 73. Quorum in Assembly

1 of 1999, s. 2(a) and (b). If objection is taken by any Member of the National Assembly present that there are present in the Assembly (besides the person presiding) less than one third of the Members of the Assembly and, after such interval as may be prescribed in the rules of procedure of the Assembly, the person presiding ascertains that the number of Members present is less than one third, he shall thereupon adjourn the Assembly.

[Ch0000s74] 74. Voting in Assembly

(1) Save as otherwise provided in this Constitution, any question proposed for decision in the National Assembly shall be determined by a majority of the votes of the Members present and voting.

(2) The Attorney-General shall have no vote.

(3) The person presiding in the National Assembly shall have neither an original vote nor a casting vote and if upon any question before the Assembly the votes are equally divided the motion shall be lost.

[Ch0000s75] 75. Unqualified persons sitting or voting

Any person who sits or votes in the National Assembly knowing or having reasonable grounds for knowing that he is not entitled to do so shall be liable to a penalty not exceeding P50 or such other sum as may be prescribed by Parliament for each day on which he so sits or votes in the Assembly, which shall be recoverable by action in the High Court at the suit of the Attorney-General.

[Ch0000s76] 76. Regulation of procedure in Assembly

(1) Subject to the provisions of this Constitution, the National Assembly may regulate its own procedure.

(2) The National Assembly may act notwithstanding any vacancy in its membership (including any vacancy not filled when the Assembly first meets after any dissolution) and the presence or participation of any person not entitled to be present or to participate in the proceedings of the Assembly shall not invalidate those proceedings.

PART III

The House of Chiefs (ss 77-85)

[Ch0000s77] 77. Composition of House of Chiefs

(1) There shall be a House of Chiefs for Botswana.

(2) The House of Chiefs shall consist of—

- (a) eight ex-officio Members;
- (b) four Elected Members; and
- (c) three Specially Elected Members.

[Ch0000s78] 78. Ex-officio Members of the House of Chiefs

The ex-officio Members of the House of Chiefs shall be such persons as are for the time being performing the functions of the office of Chief in respect of the Bakgatla, Bakwena, Bamalete, Bamangwato, Bangwaketse, Barolong, Batawana and Batlokwa Tribes, respectively.

[Ch0000s79] 79. Elected and Specially Elected Members of House of Chiefs

(1) The Elected Members of the House of Chiefs shall be elected from among their own number by the persons for the time being performing the functions of the office of Sub-Chief in the Chobe, North East, Ghanzi and Kgalagadi districts, respectively.

(2) The Specially Elected Members of the House of Chiefs shall be elected by the ex-officio and Elected Members of the House of Chiefs in accordance with the provisions of this Constitution from among persons who are not and have not been within the preceding five years actively engaged in politics.

(3) A person shall be deemed to be or to have been actively engaged in politics for the purposes of subsection (2) of this section in any circumstances in which he would be deemed to be or to have been so engaged for the purposes of section 64(4)(b) of this Constitution.

(4) Subject to the provisions of subsections (5) and (6) of this section a person shall be qualified to be elected as a Specially Elected Member of the House of Chiefs if, and shall not be qualified to be so elected unless, he—

- (a) is a citizen of Botswana;
- (b) has attained the age of 21 years;
- (c) is able to speak and, unless incapacitated by blindness or other physical cause, to read English well enough to take an active part in the proceedings of the House; and
- (d) is qualified for registration as a voter for the purposes of the election of the Elected Members of the National Assembly and is so registered.

(5) No person shall be qualified to be elected as a Specially Elected Member of the House of Chiefs who—

- (a) is, by virtue of his own act, under any acknowledgement of allegiance, obedience or adherence to a foreign power or state;
- (b) has been declared insolvent or adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth and has not been discharged, or has made a composition with his creditors and has not paid his debts in full;
- (c) is certified insane or otherwise adjudged or declared to be of unsound mind under any law for the time being in force in Botswana;
- (d) subject to such exceptions as may be prescribed by Parliament, holds any public office, or is acting in any public office by virtue of a contract of service expressed to continue for a period exceeding six months;



(e) is under sentence of death imposed on him by a court in any part of the Commonwealth, or is under a sentence of imprisonment (by whatever name called) exceeding six months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court;

(f) holds, or is acting in, any office the functions of which involve any responsibility for, or in connection with, the conduct of any elections to the National Assembly or the compilation or revision of any electoral register for the purposes of such elections; or

(g) is disqualified for election to the National Assembly by virtue of provision made in pursuance of section 62(2) of this Constitution.

(6) For the purposes of this section two or more terms of imprisonment that are required to be served consecutively shall be regarded as a single term of imprisonment for the aggregate period of those terms, and no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine.

[Ch0000s80] 80. Oath of allegiance

Every Member of the House of Chiefs shall, before taking his seat therein, take and subscribe before the House of Chiefs the oath of allegiance.

[Ch0000s81] 81. Secretary to House of Chiefs

There shall be a Secretary to the House of Chiefs whose office shall be an office in the public service.

[Ch0000s82] 82. Tenure of office of Elected Members and Specially Elected Members

(1) An Elected Member of the House of Chiefs shall vacate his seat in the House—

(a) on a dissolution of Parliament; or

(b) if he ceases to be a person for the time being performing the functions of an office of Sub-Chief in the district from which he has been elected.

(2) A Specially Elected Member of the House of Chiefs shall vacate his seat in the House—

(a) on the dissolution of Parliament;

(b) if he is absent from the sittings of the House for such period and in such circumstances as may be prescribed in the rules of procedure of the House; or

(c) subject to the provisions of subsection (3) of this section, if any circumstances arise that, if he were not a Specially Elected Member of the House of Chiefs, would disqualify him for election as such.

(3) If circumstances such as are referred to in paragraph (c) of the preceding subsection arise in relation to a Member of the House by virtue of the fact that he is declared insolvent, adjudged to be of unsound mind, sentenced to death or imprisonment or convicted of an election offence and it is open to the Member to appeal against the decision (either with leave of the court or other authority or without such leave), he shall forthwith cease to

perform his functions as a Member of the House but, subject to the next following subsection, he shall not vacate his seat until the expiration of a period of 30 days thereafter:

Provided that the Chairman of the House may, at the request of the Member, from time to time extend that period for further periods of 30 days to enable the Member to pursue an appeal against the decision, so, however, that extensions of time exceeding in the aggregate 150 days shall not be given without the approval of the House signified by resolution.

(4) If, on the determination of any appeal, such circumstances continue to exist and no further appeal is open to the Member of the House, or if by reason of the expiration of any period for entering an appeal or notice thereof or the refusal of leave to appeal or for any other reason, it ceases to be open to a Member to appeal, he shall forthwith vacate his seat.

(5) If at any time before the Member of the House vacates his seat such circumstances as aforesaid cease to exist, his seat shall not become vacant by reason of those circumstances, and he may resume the performance of his functions as a Member of the House.

[Ch0000s83] 83. Rules of Procedure of House of Chiefs

Subject to the provisions of this Constitution, the House of Chiefs may, subject to the approval of the President, make rules regulating its own procedure and in particular, and without prejudice to the generality of the foregoing power, make rules for all or any of the following matter—

(a) the appointment or election and tenure of office of a Chairman of the House;

(b) the time and place at which the House shall meet;

(c) the manner in which the views of the House shall be recorded and, if necessary, expressed to a Minister, the National Assembly, or to any other person or body;

(d) the regulation and orderly conduct of the proceedings of the House;

(e) the manner in which the Elected Members and Specially Elected Members of the House shall be elected.

[Ch0000s84] 84. House of Chiefs may transact business notwithstanding vacancies

The House of Chiefs shall not be disqualified for the transaction of business by reason of any vacancy among the Members thereof including any vacancy not filled when the House is first constituted or is reconstituted at any time; and any proceedings therein shall be valid notwithstanding that some person who was not entitled to do so sat or voted in the House or otherwise took part in the proceedings.

[Ch0000s85] 85. Functions of House of Chiefs

(1) The House of Chiefs shall consider the copy of any Bill which has been referred to it under the provisions of section 88(2) of this Constitution and the House shall be entitled to submit resolutions thereon to the National Assembly.

(2) Any resolution which has been submitted to the National Assembly in accordance with the last foregoing subsection shall forthwith be laid before the Assembly by the Clerk of the Assembly.

(3) Any Minister who is responsible for a Bill such as is referred to in subsection (1) of this section, or his representative, may attend the proceedings of the House when the copy of the Bill is being considered.

(4) Any Minister may consult the House of Chiefs in respect of any matter on which he desires to obtain the opinion of the House, and for that purpose the Minister or his representative may attend the proceedings of the House.

(5) The House of Chiefs shall be entitled to discuss any matter within the executive or legislative authority of Botswana of which it considers it is desirable to take cognizance in the interests of the tribes and tribal organizations it represents and to make representations thereon to the President, or to send messages thereon to the National Assembly.

(6) A person attending the proceedings of the House of Chiefs by virtue of the provisions of subsection (3) or (4) of this section shall be entitled to take part in the proceedings of the House relating to the matter in respect of which he attends as if he were a Member of the House:

Provided that he shall not be entitled to vote in the House.

#### PART IV

##### Powers of Parliament (ss 86-89)

[Ch0000s86] 86. Legislative powers

Subject to the provisions of this Constitution, Parliament shall have power to make laws for the peace, order and good government of Botswana.

[Ch0000s87] 87. Mode of exercising legislative powers

(1) Subject to the provisions of section 89(4) of this Constitution the power of Parliament to make laws shall be exercised by Bills passed by the National Assembly, after reference in the cases specified in section 88(2) of this Constitution to the House of Chiefs, and assented to by the President.

(2) When a Bill is presented to the President for assent he shall either assent or withhold his assent.

(3) Where the President withholds his assent to a Bill, the Bill shall be returned to the National Assembly.

(4) If where the President withholds his assent to a Bill the Assembly resolves within six months of the Bill being returned to it that the Bill should again be presented for assent, the President shall assent to the Bill within 21 days of its being again presented to him, unless he sooner dissolves Parliament.

(5) When a Bill that has been duly passed and presented for assent is assented to in accordance with the provisions of this Constitution it shall become law and the President shall thereupon cause it to be published in the Gazette as a law.

(6) No law made by Parliament shall come into operation until it has been published in the Gazette, but Parliament may postpone the coming into operation of any such law and may make laws with retrospective effect.

(7) All laws made by Parliament shall be styled "Acts" and the words of enactment shall be "enacted by the Parliament of Botswana".

[Ch0000s88] 88. Introduction of Bills

(1) Except upon the recommendation of the President, which recommendation may be signified by the Vice-President or a Minister, the National Assembly shall not—

(a) proceed upon any Bill (including any amendment to a Bill) that, in the opinion of the person presiding, makes provision for any of the following purposes—

(i) for the imposition of taxation or the alteration of taxation otherwise than by reduction;

(ii) for the imposition of any charge upon the revenues or other funds of Botswana or the alteration of any such charge otherwise than by reduction;

(iii) for the payment, issue or withdrawal from any public fund of Botswana of any moneys not charged thereon or any increase in the amount of such payment, issue or withdrawal; or

(iv) for the composition or remission of any debt to the Government of Botswana;

(b) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding, would be to make provision for any of those purposes.

(2) The National Assembly shall not proceed upon any Bill (including any amendment to a Bill) that, in the opinion of the person presiding, would, if enacted, alter any of the provisions of this Constitution or affect—

(a) the designation, recognition, removal of powers of Chiefs, Sub-Chiefs or Headmen;

(b) the organization, powers or administration of customary courts;

(c) customary law, or the ascertainment or recording of customary law; or

(d) tribal organization or tribal property, unless—

(i) a copy of the Bill has been referred to the House of Chiefs after it has been introduced in the National Assembly; and

(ii) a period of 30 days has elapsed from the date when the copy of the Bill was referred to the House of Chiefs.

[Ch0000s89] 89. Alteration of Constitution

(1) Subject to the provisions of this section Parliament may alter this Constitution.

(2) A Bill for an Act of Parliament under this section shall not be introduced into the National Assembly unless the text of the Bill has been published in the Gazette not less than 30 days before it is so introduced.

- (3) In so far as it alters any of the provisions of—
- (a) Chapter II; sections 30 to 44 inclusive, 47 to 51 inclusive, and 56; sections 77 to 79 inclusive and section 85; Chapter VII; or sections 117 to 120 inclusive and section 127 in its application to any of the provisions mentioned in this paragraph;
  - (b) sections 57, 63 to 66 inclusive, 86 to 89 inclusive, 90(2) and (3), 91(2), (3), (4) and (5), and 92; Chapter VI; and section 127 in its application to any of the provisions mentioned in this paragraph,
- a Bill for an Act of Parliament under this section shall not be passed by the National Assembly unless—
- (i) the final voting on the Bill in the Assembly takes place not less than three months after the previous voting thereon in the Assembly; and
  - (ii) at such final voting the Bill is supported by the votes of not less than two-thirds of all the Members of the Assembly.
- (4) In so far as it alters any of the provisions mentioned in subsection (3)(b) of this section no Bill shall be presented to the President for his assent unless after its passage by the Assembly it has been submitted to the electors qualified to vote in the election of the Elected Members of the National Assembly, and, on a vote taken in such manner as Parliament may prescribe, the majority of the electors voting have approved the Bill.
- (5) In this section—
- (a) references to any provision of this Constitution include references to any provision of a law that alters that provision; and
  - (b) references to the alteration of any provision of this Constitution include references to the amendment, modification or re-enactment, with or without modification, of that provision, the suspension or repeal of that provision and the making of a different provision in lieu thereof.

## PART V

### Summoning, Prorogation and Dissolution (ss 90-93)

#### [Ch0000s90] 90. Sessions of Parliament

- (1) Each session of Parliament shall be held at such place within Botswana and shall commence at such time as the President may appoint.
- (2) There shall be a session of Parliament at least once in every year so that a period of six months shall not intervene between the last sitting of Parliament in one session and the first sitting thereof in the next session.
- (3) Whenever Parliament is dissolved a general election of the Elected Members of the Assembly shall be held within 60 days of the date of the dissolution and a session of Parliament shall be appointed to commence within 30 days of the date of that general election.

#### [Ch0000s91] 91. Prorogation and dissolution of Parliament

- (1) The President may at any time prorogue Parliament.
- (2) Subject to the provisions of this Constitution, the President may at any time dissolve Parliament.
- (3) Subject to the provisions of subsection (4) of this section, Parliament, unless sooner dissolved, shall continue for five years from the

date of the first sitting of the National Assembly after any dissolution and shall then stand dissolved.

(4) At any time when Botswana is at war, Parliament may from time to time extend the period of five years specified in subsection (3) of this section for not more than 12 months at a time:

Provided that the life of Parliament shall not be extended under this subsection for more than five years.

(5) If, after a dissolution of Parliament and before the holding of the general election of the Elected Members of the National Assembly, the President considers that, owing to the existence of a state of war or of a state of emergency in Botswana or any part thereof, it is necessary to recall Parliament, the President may summon the Parliament that has been dissolved to meet and that Parliament shall be deemed to be the Parliament for the time being, but the general election of the Elected Members of the National Assembly shall proceed and the Parliament that has been recalled shall, if not sooner dissolved, again stand dissolved on the day before the day on which the election is held.

[Ch0000s92] 92. Vote of no confidence in the Government

If the National Assembly at any time passes a resolution supported by a majority of all the Members of the Assembly who are entitled to vote declaring that it has no confidence in the Government of Botswana, Parliament shall stand dissolved on the fourth day following the day on which such resolution was passed, unless the President earlier resigns his office or dissolves Parliament.

[Ch0000s93] 93. Sittings of National Assembly

(1) The President may at any time summon a meeting of the National Assembly.

(2) Subject to the provisions of this Constitution, the sittings of the National Assembly in any session of Parliament after the commencement of that session shall be commenced at such times and on such days as the Assembly shall appoint.

## PART VI

Interpretation (s 94)

[Ch0000s94] 94. Votes of two-thirds of the Assembly

Any reference in this Constitution to the votes of two-thirds of the Members of the Assembly shall be construed as a reference to the votes of two-thirds of the Members of the Assembly excluding the person presiding and the Attorney-General.

## CHAPTER VI

The Judicature (ss 95-107)

### PART I

The High Court (ss 95-98)

[Ch0000s95] 95. Jurisdiction and composition

(1) There shall be for Botswana a High Court which shall have unlimited original jurisdiction to hear and determine any civil or criminal

proceedings under any law and such other jurisdiction and powers as may be conferred on it by this Constitution or any other law.

2 of 2002, s. 2(a)(i). (2) The judges of the High Court shall be the Chief Justice and such number of other judges of the Court as may be prescribed by Parliament:

2 of 2002, s. 2(a)(ii). Provided that the office of a judge of the High Court shall not be abolished while there is a substantive holder thereof.

(3) The High Court shall be a superior court of record and, save as otherwise provided by Parliament, shall have all the powers of such a court.

(4) The High Court shall sit in such places as the Chief Justice may appoint.

(5) The High Court shall have jurisdiction to supervise any civil or criminal proceedings before any subordinate court or any court martial and may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of ensuring that justice is duly administered by any such court.

(6) The Chief Justice may make rules with respect to the practice and procedure of the High Court in relation to the jurisdiction and powers conferred on it by subsection (5) of this section.

2 of 2002, s. 2(b). (7) The Chief Justice may appoint a Rules of Court Advisory Committee to assist him in reviewing and overhauling the rules made under subsection (6) and to advise on proposals to update and amend such rules.

[Ch0000s96] 96. Appointment of judges of High Court

(1) The Chief Justice shall be appointed by the President.

2 of 2002, s. 3(a). (2) The other judges of the High Court shall be appointed by the President, acting in accordance with the advice of the Judicial Service Commission.

(3) A person shall not be qualified to be appointed as a judge of the High Court unless—

(a) he holds, or has held office, as a judge of a court having unlimited jurisdiction in civil and criminal matters in Botswana, in a Commonwealth country or in any country outside the Commonwealth that may be prescribed by Parliament or a court having jurisdiction in appeals from such a court; or

2 of 2002, s. 3(b). (b) he is qualified to practise as an advocate or attorney in such a court and has been qualified for not less than ten years to practise as an advocate or attorney in such a court;

2 of 2002, s. 3(b). (c) he is qualified to practise as an advocate or attorney and he has had the experience in the teaching of law in a recognised university for not less than ten years; or

2 of 2002, s. 3(b). (d) he is a Chief Magistrate who has held that office for not less than five years.

(4) In computing, for the purposes of subsection (3) of this section, the period during which any person has been qualified to practise as an advocate

or attorney any period during which he has held judicial office after becoming so qualified shall be included.

2 of 2002, s. 3(c)(i). (5) If the office of Chief Justice is vacant or if the Chief Justice is for any reason unable to perform the functions of his office, then, until a person has been appointed to and has assumed the functions of that office or until the Chief Justice has resumed those functions, as the case may be, those functions shall be performed by such one of the judges of the High Court or such other person qualified for appointment as a judge of the High Court as the President may appoint for that purpose:

Provided that—

2 of 2002, s. 3(e). (i) a person may be appointed under this subsection notwithstanding that he has attained the age of 70 years or such other age as may be prescribed for the purposes of section 97 of this Constitution;

2 of 2002, s. 3(c)(ii). (ii) a person appointed under this subsection, who is not a judge of the High Court, may, notwithstanding the assumption or resumption of the functions of the office of Chief Justice by the holder of that office, continue to act as a judge of the High Court for so long thereafter and to such extent as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him previously thereto.

2 of 2002, s. 3(d). (6) If the office of any judge of the High Court is vacant, or if any such judge is appointed to act as Chief Justice, or is for any reason unable to perform the functions of his office, or if the President, acting after consultation with the Chief Justice, is satisfied that the state of business in the High Court requires that the number of judges of the court should be temporarily increased, the President, acting in accordance with the advice of the Judicial Service Commission, may appoint a person qualified for appointment as a judge of the High Court to act as a judge of that court:

2 of 2002, s. 3(e). Provided that a person may be so appointed notwithstanding that he has attained the age of 70 years or such other age as may be prescribed for the purposes of section 88 of this Constitution.

2 of 2002, s. 3(d). (7) Any person appointed under subsection (6) of this section to act as a judge of the High Court shall, subject to the provisions of section 97(4) and (5) of this Constitution, continue to act for the period of his appointment or, if no such period is specified, until his appointment is revoked by the President, acting in accordance with the advice of the Judicial Service Commission:

Provided that the President, acting in accordance with the advice of the Judicial Service Commission, may permit a person whose appointment to act as a judge of the High Court has expired or been revoked to continue to act as such a judge for such period as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him previously thereto.

[Ch0000s97] 97. Tenure of office of judges of High Court



2 of 2002, s. 4. (1) Subject to the provisions of this section, a person holding the office of a judge of the High Court shall vacate that office on attaining the age of 70 years or such other age as may be prescribed by Parliament:

Provided that the President, acting in accordance with the advice of the Judicial Service Commission, may permit a judge who has attained that age to continue in office for such period as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him before he attained that age.

(2) A judge of the High Court may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of body or mind or from any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of this section.

(3) If the President considers that the question of removing a judge of the High Court under this section ought to be investigated then—

(a) he shall appoint a tribunal which shall consist of a Chairman and not less than two other members, who hold or have held high judicial office;

(b) the tribunal shall enquire into the matter and report on the facts thereof to the President and advise the President whether the judge ought to be removed from office under this section for inability as aforesaid or for misbehaviour.

(4) Where a tribunal appointed under subsection (3) of this section advises the President that a judge of the High Court ought to be removed from office for inability as aforesaid or for misbehaviour, the President shall remove such judge from office.

(5) If the question of removing a judge of the High Court from office has been referred to a tribunal under subsection (3) of this section, the President may suspend the judge from performing the functions of his office, and any such suspension may at any time be revoked by the President and shall in any case cease to have effect if the tribunal advises the President that the judge ought not to be removed from office.

[Ch0000s98] 98. Oaths to be taken by judges of High Court

A judge of the High Court shall not enter upon the duties of his office unless he has taken and subscribed such oath for the due execution of his office as may be prescribed by Parliament.

## PART II

Court of Appeal (ss 99-102)

[Ch0000s99] 99. Composition and jurisdiction

(1) There shall be a Court of Appeal for Botswana which shall have such jurisdiction and powers as may be conferred on it by this Constitution or any other law.

(2) The judges of the Court of Appeal shall be—

(a) the President of the Court of Appeal;

(b) such number, if any, of Justices of Appeal as may be prescribed by Parliament; and

2 of 2002, s. 5. (c) the Chief Justice and the other judges of the High Court:

Provided that Parliament may make provision for the office of President of the Court of Appeal to be held by the Chief Justice ex-officio.

(3) The office of a Justice of Appeal shall not be abolished while there is a substantive holder thereof.

(4) The Court of Appeal shall be a superior court of record and save as otherwise provided by Parliament shall have all the powers of such a court.

[Ch0000s100] 100. Appointment of judges of Court of Appeal

(1) The President of the Court of Appeal shall, unless that office is held ex-officio by the Chief Justice, be appointed by the President.

(2) The Justices of Appeal, if any, shall be appointed by the President, acting in accordance with the advice of the Judicial Service Commission.

(3) A person shall not be qualified to be appointed as a judge of the Court of Appeal unless—

(a) he holds, or has held office as, a judge of a court having unlimited jurisdiction in civil and criminal matters in Botswana, in a Commonwealth country or in any country outside the Commonwealth that may be prescribed by Parliament or a court having jurisdiction in appeals from such a court; or

2 of 2002, s. 6(a). (b) he is qualified to practise as an advocate or attorney in such a court and has been qualified for not less than ten years to practise as an advocate or attorney in such a court; or

2 of 2002, s. 6(a). (c) he is qualified to practise as an advocate or attorney and he has had experience in the teaching of law in a recognised university for not less than ten years.

(4) In computing, for the purposes of subsection (3) of this section, the period during which any person has been qualified to practise as an advocate or attorney any period during which he has held judicial office after becoming so qualified shall be included.

(5) If the office of President of the Court of Appeal is vacant or if the President of the Court of Appeal is for any reason unable to perform the functions of his office, then, until a person has been appointed to and has assumed the functions of that office or until the President of the Court of Appeal has resumed those functions, as the case may be, those functions shall be performed by such one of the other judges of the Court of Appeal or such other person qualified for appointment as a judge of the Court of Appeal as the President may appoint for that purpose:

Provided that—

2 of 2002, s. 6(b). (i) a person may be appointed under this subsection notwithstanding that he has attained the age of 70 years or such other age as may be prescribed for the purposes of section 101 of this Constitution;

(ii) a person appointed under this subsection, who is not a judge of the Court of Appeal, may, notwithstanding the assumption or resumption of

the functions of the office of President of the Court of Appeal by the holder of that office, continue to act as a judge of the Court of Appeal for so long thereafter and to such extent as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him previously thereto.

(6) If the office of a Justice of Appeal is vacant or if any Justice of Appeal is appointed to act as Chief Justice or President of the Court of Appeal or is for any reason unable to perform the functions of his office, the President, acting in accordance with the advice of the Judicial Service Commission, may appoint a person qualified for appointment as a Justice of Appeal to act as a Justice of Appeal:

2 of 2002, s. 6(b). Provided that a person may be so appointed notwithstanding that he has attained the age of 70 years or such other age as may be prescribed for the purposes of section 101 of this Constitution.

(7) Any person appointed under subsection (6) of this section to act as a Justice of Appeal, shall subject to the provisions of section 101(4) and (5) of this Constitution, continue to act for the period of his appointment or, if no such period is specified, until his appointment is revoked by the President, acting in accordance with the advice of the Judicial Service Commission:

Provided that the President, acting in accordance with the advice of the Judicial Service Commission, may permit a person whose appointment to act as a Justice of Appeal has expired or been revoked to continue to act as such a judge for such period as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him previously thereto.

[Ch0000s101] 101. Tenure of office of judges of Court of Appeal

2 of 2002, s. 7. (1) Subject to the provisions of this section, a person holding the office of a judge of the Court of Appeal shall vacate that office on attaining the age of 70 years or such other age as may be prescribed by Parliament:

Provided that—

(i) the President, acting in accordance with the advice of the Judicial Service Commission, may permit a judge who has attained that age to continue in office for such period as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him before he attained that age;

(ii) a person may be appointed as President of the Court of Appeal or as a Justice of Appeal for a fixed period of three years notwithstanding that he has attained the age referred to in this subsection or that he will before the expiry of his appointment have attained that age; and

(iii) the appointment as President of the Court of Appeal or as Justice of Appeal serving for a fixed period under paragraph (ii) above shall not affect the date at which he is due to retire.

(2) A judge of the Court of Appeal may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of

body or mind or from any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of this section.

(3) If the President considers that the question of removing a judge of the Court of Appeal under this section ought to be investigated then—

(a) he shall appoint a tribunal which shall consist of a Chairman and not less than two other members, who hold or have held high judicial office;

(b) the tribunal shall enquire into the matter and report on the facts thereof to the President and advise the President whether the judge ought to be removed from office under this section for inability as aforesaid or for misbehaviour.

(4) Where a tribunal, appointed under subsection (3) of this section, advises the President that a judge of the Court of Appeal ought to be removed from office for inability as aforesaid or for misbehaviour, the President shall remove such judge from office.

(5) If the question of removing a judge of the Court of Appeal from office has been referred to a tribunal under subsection (3) of this section, the President may suspend the judge from performing the functions of his office, and any such suspension may at any time be revoked by the President and shall in any case cease to have effect if the tribunal advises the President that the judge ought not to be removed from office.

[Ch0000s102] 102. Oaths to be taken by judges of Court of Appeal

A judge of the Court of Appeal shall not enter upon the duties of his office unless he has taken and subscribed such oath for the due execution of his office as may be prescribed by Parliament.

### PART III

#### Judicial Service Commission (ss 103-104)

[Ch0000s103] 103. Composition and procedure

2 of 2002, s. 8(a). (1) There shall be a Judicial Service Commission for Botswana which shall consist of—

- (a) the Chief Justice who shall be Chairman;
  - (b) the President of the Court of Appeal (not being the Chief Justice or the most Senior Justice of the Court of Appeal);
  - (c) the Attorney-General;
  - (d) the Chairman of the Public Service Commission;
  - (e) a member of the Law Society nominated by the Law Society;
- and

(f) a person of integrity and experience not being a legal practitioner appointed by the President.

2 of 2002, s. 8(a). (2) A member nominated under paragraph (e) or appointed under paragraph (f) of subsection (1) shall hold office for a period of two years, but shall be eligible for re-nomination or re-appointment, as the case may be, for another term of office for two years:

Provided that—

(i) a member nominated under paragraph (e) may be removed from office by the rest of the members of the Commission acting together only

for inability of the member to discharge the functions of his office whether arising from infirmity of mind or body or any other cause or for gross misbehaviour; or

(ii) a member appointed under paragraph (f) may be removed from office by the President only for inability of the member to discharge the functions of his office whether arising from infirmity of mind or body or any other cause or for gross misbehaviour.

(3) A member of the Commission shall not enter upon the duties of his office until he has taken and subscribed such oath for the due execution of his office as may be prescribed by Parliament.

(4) The Judicial Service Commission shall not be subject to the direction or control of any other person or authority in the exercise of its functions under this Constitution.

2 of 2002, s. 8(b). (5) The Commission may regulate its own procedure and, subject to that procedure, may act notwithstanding any vacancy in its membership or the absence of any member and its proceedings shall not be invalidated by the presence or participation of any person not entitled to be present at or to participate in those proceedings.

2 of 2002, s. 8(b). (6) The decisions of the Commission shall be by the vote of a majority of the members present, and in the event of an equality of votes, the Chairman shall have a casting vote.

[Ch0000s104] 104. Appointment, etc., of judicial officers

(1) Power to appoint persons to hold or act in offices to which this section applies, to exercise disciplinary control over persons holding or acting in such offices and to remove such persons from office shall vest in the President acting in accordance with the advice of the Judicial Service Commission.

(2) The offices to which this section applies are—

(a) the office of Registrar of the Court of Appeal and High Court;

(b) all offices of magistrate;

(c) such other offices of President or member of any court or connected with any court as may be prescribed by or under an Act of Parliament.

(3) In this section references to a court do not include references to a court martial.

#### PART IV

Interpretation of the Constitution (ss 105-106)

[Ch0000s105] 105. Reference to High Court of cases involving interpretation of Constitution

(1) Where any question as to the interpretation of this Constitution arises in any proceedings in any subordinate court and the court is of the opinion that the question involves a substantial question of law, the court may, and shall, if any party to the proceedings so requests, refer the question to the High Court.

(2) Where any question is referred to the High Court in pursuance of this section, the High Court shall give its decision upon the question and the court in which the question arose shall, subject to any appeal, dispose of the case in accordance with that decision.

[Ch0000s106] 106. Appeal to Court of Appeal

An appeal shall lie as of right to the Court of Appeal from any decision of the High Court which involves the interpretation of this Constitution, other than a decision of the High Court under section 69(1) of this Constitution:

Provided that no appeal shall lie from a determination of the High Court under this section dismissing an application on the ground that it is frivolous or vexatious.

#### PART V

Judicial Committee (s 107: repealed)

[Ch0000s107] 107. [Repealed.]

#### CHAPTER VII

The Public Service (ss 108-116)

[Ch0000s108] 108. Power to specify qualifications for certain offices

Subject to the provisions of this Constitution and of any Act of Parliament, power to specify the qualifications and disqualifications for holding such public offices as he may constitute shall vest in the President.

[Ch0000s109] 109. Public Service Commission

(1) There shall be a Public Service Commission for Botswana which shall consist of a Chairman and not less than two nor more than four other members.

(2) The members of the Public Service Commission shall be appointed by the President.

(3) A person shall not be qualified for appointment as a member of the Public Service Commission if he is a Member of the National Assembly or a public officer, or is or has within the two years immediately preceding his appointment been actively engaged in politics.

(4) For the purposes of this section a person shall be deemed to be or to have been actively engaged in politics in circumstances in which he would be deemed to be or to have been so engaged for the purposes of section 64(4)(b) of this Constitution.

(5) Subject to the provisions of this section, the office of a member of the Public Service Commission shall become vacant—

- (a) at the expiration of three years from the date of his appointment;
- (b) if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such; or
- (c) if he is removed from office in accordance with the provisions of subsection (6) of this section.

(6) Subject to subsection (7) of this section a member of the Public Service Commission may be removed from office by the President for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour.

(7) If the President considers that the question of removing a member of the Public Service Commission under subsection (6) of this section ought to be investigated, then—

(a) the President shall appoint a tribunal which shall consist of a Chairman and not less than two other members selected by the Chief Justice from among persons who hold or have held high judicial office; and

(b) the tribunal shall enquire into the matter and report on the facts thereof to the President and recommend to him whether the member ought to be removed under subsection (6) of this section, and the President shall act in accordance with that recommendation.

(8) A member of the Public Service Commission shall not be removed from office except in accordance with the provisions of this section.

(9) If the office of Chairman of the Public Service Commission is vacant or if the person holding that office is for any reason unable to perform the functions of his office, then, until a person has been appointed to and has assumed the functions of that office or until the person holding that office has resumed those functions, as the case may be, those functions shall be performed by such one of the other members of the Commission as may be designated in that behalf by the President.

(10) If at any time there are less than two members of the Public Service Commission besides the Chairman or if any such member is appointed to act as Chairman or is for any reason unable to perform the functions of his office, the President may appoint a person who is qualified for appointment as a member of the Commission to act as a member, and any person so appointed shall, subject to the provisions of subsection (5)(b) of this section, continue to act until the office in which he is acting is filled, or as the case may be, until the holder thereof resumes his functions or until his appointment to act is revoked by the President.

(11) Except as provided in subsection (13) of this section the Public Service Commission shall not be subject to the direction or control of any other person or authority in the exercise of its functions under this Constitution.

(12) A member of the Commission shall not enter upon the duties of his office until he has taken and subscribed the oath of allegiance and such oath for the due execution of his office as may be prescribed by Parliament.

(13) Provision may be made by or under an Act of Parliament prescribing the procedure of the Commission and, subject thereto, the Commission may regulate its own procedure.

(14) Except as may be otherwise provided in its rules or procedure, the Commission may act notwithstanding any vacancy in its membership or the absence of any member and its proceedings shall not be invalidated by the presence or participation of any person not entitled to be present at or to participate in those proceedings.

(15) Any decision of the Commission shall require the concurrence of a majority of all the members thereof.

(16) A member of the Commission shall not, during the tenure of his office or during the three years immediately following such tenure, be eligible for appointment to any public office other than that of Ambassador, High Commissioner or other principal representative of Botswana in any other country or accredited to any international organization.

[Ch0000s110] 110. Appointment, etc., of public officers

(1) Subject to the provisions of this section and of sections 111, 113 and 114 of this Constitution, power to appoint persons to hold or to act in any office in the public service, to exercise disciplinary control over persons holding or acting in such offices and to remove from such offices shall vest in such person or persons as may be prescribed by Act of Parliament.

(2) The provisions of this section shall not apply in relation to the following offices, that is to say—

- (a) the office of judge of the Court of Appeal or of the High Court;
- (b) any office to which section 104 or 112 of the Constitution applies.

(3) Before any person or persons as may have been prescribed under the provisions of subsection (1) exercise power to appoint to or to act in any public office any person who holds or is acting in any office the power to make appointments to which is vested by this Constitution in the President acting in accordance with the advice of the Judicial Service Commission such person shall consult with the Judicial Service Commission.

[Ch0000s111] 111. Appeals to President

(1) Any person other than a member of the Botswana Police Force or the Prison Service who has been removed from office or subjected to any other punishment by the exercise of any powers conferred on any person under the provisions of section 110 of this Constitution may appeal to the Public Service Commission who may dismiss such appeal or allow it wholly or in part.

(2) Subject to the provisions of subsection (3) every decision of the Public Service Commission under the provisions of this section shall be final.

(3) Notwithstanding anything contained in subsection (2) if the Public Service Commission dismisses an appeal or allows it in part only the person who appealed may appeal to the President.

(4) If any person appeals to the President in accordance with the provisions of subsection (3) of this section the President shall either dismiss the appeal or shall order that it be heard by a tribunal appointed by the President, the Chairman of which shall be a person who holds or has held high judicial office or is qualified to be appointed as a judge of the High Court.

(5) If the President appoints a tribunal to hear an appeal in accordance with subsection (4) of this section the tribunal shall hear the appeal and shall advise the President whether or not the appeal should be allowed either wholly or in part, and the President shall act in accordance with that advice.

[Ch0000s112] 112. Powers of President in relation to certain public offices



(1) The power to appoint a person to hold or act in offices to which this section applies and to remove from office and to exercise disciplinary control over persons holding or acting in such offices shall, subject to the provisions of sections 113 and 114 of this Constitution, vest in the President.

(2) The offices to which this section applies are—

- (a) Ambassador, High Commissioner or other principal representative of Botswana in any other country or accredited to any international organisation;
- (b) Secretary to the Cabinet;
- (c) Attorney-General;
- (d) Permanent Secretary;
- (e) Commissioner of Police; and
- (f) any other superscale office (other than an office to which this Constitution makes specific provision for appointment or an office to which appointment is made under the provisions of section 104 of this Constitution) which may be prescribed by Act of Parliament.

[Ch0000s113] 113. Tenure of office of Attorney-General

(1) Subject to the provisions of this section, a person holding the office of Attorney-General shall vacate his office when he attains the age of 60 years or such other age as may be prescribed by Parliament.

(2) A person holding the office of Attorney-General may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of this section.

(3) If the President considers that the question of removing a person holding the office of Attorney-General from office ought to be investigated then—

(a) he shall appoint a tribunal which shall consist of a Chairman and not less than two other members, who hold or have held high judicial office; and

(b) the tribunal shall enquire into the matter and report on the facts thereof to the President and advise the President whether the person holding the office of Attorney-General ought to be removed from office under this section for inability as aforesaid or for misbehaviour.

(4) Where a tribunal appointed under subsection (3) of this section advises the President that a person holding the office of Attorney-General ought to be removed from office for inability as aforesaid or for misbehaviour, the President shall remove such person from office.

(5) If the question of removing a person holding the office of Attorney-General from office has been referred to a tribunal under this section, the President may suspend that person from performing the functions of his office, and any such suspension may at any time be revoked by the President and shall in any case cease to have effect if the tribunal advises the President that the person ought not to be removed from office.

[Ch0000s114] 114. Tenure of office of Auditor-General

(1) Subject to the provisions of this section, a person holding the office of Auditor-General shall vacate his office when he attains the age of 60 years or such other age as may be prescribed by Parliament.

(2) A person holding the office of Auditor-General may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of this section.

(3) If the National Assembly resolves that the question of removing a person holding the office of Auditor-General from office under this section ought to be investigated then—

(a) the Assembly shall, by resolution, appoint a tribunal which shall consist of a Chairman and not less than two other members, who hold or have held high judicial office;

(b) the tribunal shall enquire into the matter and report on the facts thereof to the Assembly;

(c) the Assembly shall consider the report of the tribunal at the first convenient sitting of the Assembly after it is received and may, upon such consideration, by resolution, remove the Auditor-General from office.

(4) If the question of removing a person holding the office of Auditor-General from office has been referred to a tribunal under this section, the National Assembly may, by resolution, suspend that person from performing the functions of his office, and any such suspension may at any time be revoked by the Assembly by resolution and shall in any case cease to have effect if, upon consideration of the report of the tribunal in accordance with the provisions of this section, the Assembly does not remove the Auditor-General from office.

[Ch0000s115] 115. Pensions laws and protection of pensions rights

(1) The law to be applied with respect to any pensions benefits that were granted to any person before the coming into operation of this Constitution shall be the law that was in force at the date on which those benefits were granted or any law in force at a later date that is not less favourable to that person.

(2) The law to be applied with respect to any pensions benefits (not being benefits to which subsection (1) of this section applies) shall—

(a) in so far as those benefits are wholly in respect of a period of service as a public officer that commenced before the date on which this Constitution comes into operation, be the law that was in force immediately before that date; and

(b) in so far as those benefits are wholly or partly in respect of a period of service as a public officer that commenced after the date on which this Constitution comes into operation, be the law in force on the date on which that period of service commenced, or any law in force at a later date that is not less favourable to that person.

(3) Where a person is entitled to exercise an option as to which of two or more laws shall apply in his case, the law for which he opts shall, for the purposes of this section, be deemed to be more favourable to him than the other law or laws.

(4) All pensions benefits shall (except to the extent to which under any law providing for the funding of pensions benefits they are a charge on a fund established by that law and have been duly paid out of that fund to the person or authority to whom payment is due) be a charge on the Consolidated Fund.

(5) In this section "pensions benefits" means any pensions, compensation, gratuities or other like allowances for persons in respect of their service as public officers or as members of the armed forces or for the widows, children, dependants or personal representatives of such persons in respect of such service.

(6) References in this section to the law with respect to pensions benefits include (without prejudice to their generality) references to the law regulating the circumstances in which such benefits may be granted or in which the grant of such benefits may be refused, the law regulating the circumstances in which any such benefits that have been granted may be withheld, reduced in amount or suspended and the law regulating the amount of any such benefits.

(7) In this section references to service as a public officer include references to service as a public officer of the former Protectorate of Bechuanaland.

[Ch0000s116] 116. Power of Commissions in relation to pensions, etc.

(1) Where under any law any person or authority has a discretion—

(a) to decide whether or not any pensions benefits shall be granted;  
or

(b) to withhold, reduce in amount or suspend any such benefits that have been granted,  
those benefits shall be granted and may not be withheld, reduced in amount or suspended unless the appropriate Commission concurs in the refusal to grant the benefits or, as the case may be, in the decision to withhold them, reduce them in amount or suspend them.

(2) Where the amount of any pensions benefits that may be granted to any person is not fixed by law, the amount of the benefits to be granted to him shall be the greatest amount for which he is eligible unless the appropriate Commission concurs in his being granted benefits of a smaller amount.

(3) The appropriate Commission shall not concur under subsection (1) or subsection (2) of this section in action taken on the ground that any person who holds or has held the office of a judge of the Court of Appeal or of the High Court or the Auditor-General or Attorney-General has been guilty of misbehaviour unless he has been removed from office by reason of such misbehaviour.

(4) In this section "the appropriate Commission" means—

(a) in the case of benefits for which any person may be eligible in respect of the service in the public service of a person who, immediately before he ceased to be a public officer, was subject to the disciplinary control of the Judicial Service Commission or that have been granted in respect of such service, the Judicial Service Commission;

(b) in any other case, the Public Service Commission.

(5) In this section "pensions benefits" means any pensions, compensation, gratuities or other like allowances for persons in respect of their service as public officers (including service as public officers of the former Protectorate of Bechuanaland) or for the widows, children, dependants or personal representatives of such persons in respect of such service.

#### CHAPTER VIII

##### Finance (ss 117-124)

##### [Ch0000s117] 117. Consolidated Fund

All revenues or other moneys raised or received for the purposes of the Government of Botswana (not being revenues or other moneys that are payable by or under any law into some other fund established for a specific purpose or that may by or under any law be retained by the department of Government that received them for the purposes of defraying the expenses of that department) shall be paid into and form one Consolidated Fund.

##### [Ch0000s118] 118. Withdrawals from Consolidated Fund or other public funds

(1) No moneys shall be withdrawn from the Consolidated Fund except—

(a) to meet expenditure that is charged upon the Fund by this Constitution or by any Act of Parliament;

(b) where the issue of those moneys has been authorized by an Appropriation Act, by a supplementary estimate approved by resolution of the National Assembly or by a law enacted in pursuance of section 120 of this Constitution.

(2) No moneys shall be withdrawn from any public fund of Botswana other than the Consolidated Fund unless the issue of those moneys has been authorized by or under a law.

(3) No moneys shall be withdrawn from the Consolidated Fund except in the manner prescribed by Parliament.

(4) The deposit of any moneys forming part of the Consolidated Fund with a bank or with the Crown Agents for Overseas Governments and Administrations or the investment of any such moneys in securities in which, under the law for the time being in force in Botswana, trustees are authorized to invest, or the making of advances to such extent and in such circumstances as may be prescribed by Parliament, shall not be regarded as a withdrawal of those moneys from the Fund for the purposes of this section.

##### [Ch0000s119] 119. Authorization of expenditure

(1) The Minister for the time being responsible for finance shall cause to be prepared and laid before the National Assembly, before or not later than

30 days after the commencement of each financial year, estimates of the revenues and expenditure of Botswana for that year.

(2) The heads of expenditure contained in the estimates for a financial year (other than expenditure charged upon the Consolidated Fund by this Constitution or any other law) shall be included in a Bill to be known as an Appropriation Bill which shall be introduced into the Assembly to provide for the issue from the Consolidated Fund of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified in the said Bill.

(3) If in any financial year it is found—

(a) that the amount appropriated by the Appropriation Act for the purposes included in any head of expenditure is insufficient or that a need has arisen for expenditure for a purpose for which no amount has been appropriated by the Appropriation Act; or

(b) that any moneys have been expended on any head of expenditure in excess of the amount appropriated for the purposes included in that head by the Appropriation Act or for a purpose for which no amount has been appropriated by the Appropriation Act, a supplementary estimate showing the sums required or spent shall be laid before the National Assembly and the heads of expenditure shall be included in a supplementary Appropriation Bill, or in a motion or motions approving such expenditure, which shall be introduced or moved in the Assembly.

(4) Where any supplementary expenditure has been approved in a financial year by a resolution of the National Assembly in accordance with the provisions of subsection (3) of this section, a supplementary Appropriation Bill shall be introduced in the National Assembly, not later than the end of the financial year next following, providing for the appropriation of the sums so approved.

[Ch0000s120] 120. Authorization of expenditure in advance of appropriation

Parliament may make provision under which, if the Appropriation Act in respect of any financial year has not come into operation by the beginning of that financial year, the President may authorize the withdrawal of moneys from the Consolidated Fund for the purpose of meeting expenditure necessary to carry on the services of the Government until the expiration of four months from the beginning of that financial year or the coming into operation of the Appropriation Act, whichever is the earlier.

[Ch0000s121] 121. Contingencies Fund

(1) Parliament may make provision for the establishment of a Contingencies Fund and for authorizing the President, if satisfied that there has arisen an urgent and unforeseen need for expenditure for which no other provision exists, to make advances from that Fund to meet that need.

(2) Where any advance is made from the Contingencies Fund, a supplementary estimate shall be laid before the National Assembly as soon as possible for the purpose of replacing the amount so advanced.

[Ch0000s122] 122. Remuneration of certain officers

(1) There shall be paid to the holders of the offices to which this section applies such salaries and such allowances as may be prescribed by Parliament.

(2) The salaries and any allowances payable to the holders of the offices to which this section applies shall be a charge on the Consolidated Fund.

(3) The salary payable to the holder of any office to which this section applies and his terms of office, other than allowances, shall not be altered to his disadvantage after his appointment.

(4) Where a person's salary or terms of office depend upon his option, the salary or terms for which he opts shall, for the purposes of subsection (3) of this section, be deemed to be more advantageous to him than any others for which he might have opted.

(5) This section applies to the offices of judge of the Court of Appeal, judge of the High Court, member of the Public Service Commission, member of the Judicial Service Commission, member of the Delimitation Commission, Auditor-General and Attorney-General.

[Ch0000s123] 123. Public debt

(1) There shall be charged on the Consolidated Fund all debt charges for which Botswana is liable.

(2) For the purposes of this section debt charges include interest, sinking fund charges, the repayment or amortization of debt, and all expenditure in connection with the raising of loans on the security of the revenues or the Consolidated Fund of the former Protectorate of Bechuanaland or Botswana, and the service and redemption of debt thereby created.

[Ch0000s124] 124. Auditor-General

(1) There shall be an Auditor-General, whose office shall be a public office.

(2) The public accounts of Botswana and of all officers, courts and authorities of the Government of Botswana shall be audited and reported on by the Auditor-General and for that purpose the Auditor-General or any person authorized by him in that behalf shall have access to all books, records, reports and other documents relating to those accounts:

Provided that, if it is so provided by Parliament in the case of any body corporate directly established by law, the accounts of that body corporate shall be audited and reported on by such person as may be specified by or under that law.

(3) The Auditor-General shall submit his reports to the Minister responsible for finance, who shall cause them to be laid before the National Assembly.

(4) The Auditor-General shall perform such other duties and exercise such other powers in relation to the accounts of the Government or the accounts of other public authorities or other bodies as may be prescribed by or under any Act of Parliament.

(5) In the exercise of his functions the Auditor-General shall not be subject to the direction or control of any other person or authority.

#### CHAPTER IX

##### Miscellaneous (ss 125-127)

##### [Ch0000s125] 125. Resignations

(1) Any person who is appointed or elected to any office established by this Constitution may resign from that office by writing under his hand addressed to the person or authority by whom he was appointed or elected:

Provided that in the case of a person who holds office as President his resignation from that office shall be addressed to the Chief Justice, in the case of a person who holds office as Speaker or Deputy Speaker of the National Assembly his resignation from that office shall be addressed to the Assembly, in the case of an Elected or Specially Elected Member of the Assembly his resignation shall be addressed to the Speaker, and in the case of a Member of the House of Chiefs his resignation from that office shall be addressed to the Chairman of the House.

(2) The resignation of any person from any office established by this Constitution shall take effect on the date or at the time indicated in the writing signifying the resignation or, if no such date or time is so indicated, at the time the writing is received by the person or authority to whom it is addressed or by any person authorized by that person or authority to receive it.

##### [Ch0000s126] 126. Reappointments and concurrent appointments

(1) Where any person has vacated any office established by this Constitution, he may, if qualified, again be appointed or elected to hold that office in accordance with the provisions of this Constitution.

(2) Where a power is conferred by this Constitution upon any person to make any appointment to any office, a person may be appointed to that office notwithstanding that some other person may be holding that office, when that other person is on leave of absence pending the relinquishment of the office; and where two or more persons are holding the same office by reason of an appointment made in pursuance of this subsection, then, for the purposes of any function conferred upon the holder of that office, the person last appointed shall be deemed to be the sole holder of the office.

##### [Ch0000s127] 127. Interpretation

(1) In this Constitution unless the context otherwise requires—  
"the Assembly" means the National Assembly;

"Botswana" means the territory that, on 29th September, 1966, was comprised in the former Protectorate of Bechuanaland;

"Chief" and "Sub-Chief" have the meanings assigned to those expressions in the Chieftainship Act;

"financial year" means the period of 12 months ending on 31st March in any year or on such other day as Parliament may prescribe;

"the Gazette" means the Botswana Government Gazette;

"high judicial office" means the office of a judge of a court of unlimited jurisdiction in civil and criminal matters in Botswana, a Commonwealth

country or in any country outside the Commonwealth that may be prescribed by Parliament or the office of judge of a court having jurisdiction in appeals from such a court;

"the House" means the House of Chiefs;

"oath" includes affirmation;

"the oath of allegiance" means such oath of allegiance as may be prescribed by law;

"public office" means, subject to the provisions of subsections (2) and (3) of this section, an office of emolument in the public service;

"public officer" means a person holding or acting in any public office;

"the public service" means the civil service of the Government;

"session" means the sittings of the National Assembly beginning when it first sits after the coming into operation of this Constitution or after Parliament is prorogued or dissolved at any time and ending when Parliament is prorogued or is dissolved without having been prorogued;

"sitting" means a period during which the National Assembly is sitting without adjournment and includes any period during which it is in committee;

"subordinate court" means any court established for Botswana other than—

(a) the Court of Appeal;

2 of 2002, s. 9(a). (b) the High Court;

2 of 2002, s. 9(b). (c) a court martial; or

2 of 2002, s. 9(c). (d) the Industrial Court.

(2) In this Constitution, unless the context otherwise requires, references to offices in the public service shall be construed as including references to the offices of judges of the Court of Appeal and judges of the High Court and the offices of members of all subordinate courts (being offices the emoluments attaching to which, or any part of the emoluments attaching to which, are paid directly out of moneys provided by Parliament).

(3) For the purposes of this Constitution a person shall not be considered to be a public officer by reason only that he is in receipt of any remuneration or allowance as the President, Vice-President, a Minister or Assistant Minister, Speaker, Deputy Speaker or Member of the Assembly, a Member of the House of Chiefs or a member of any Commission established by this Constitution.

(4) For the purposes of this Constitution, a person shall not be considered as holding a public office by reason only of the fact that he is in receipt of a pension or other like allowance in respect of service under the Government of Botswana or the former Protectorate of Bechuanaland.

(5) In this Constitution, unless the context otherwise requires, a reference to the holder of an office by the term designating his office shall be construed as including a reference to any person for the time being lawfully acting in or performing the functions of that office:

Provided that nothing in this subsection shall apply to references to the President or Vice-President in section 35, 36 or 39 of this Constitution.



(6) In this Constitution, unless it is otherwise provided or required by the context, a reference to the power to make appointments to any office shall be construed as including a reference to the power to make appointments on promotion and transfer and to confirm appointments and to the power to appoint a person to act in or perform the functions of that office at any time when the office is vacant or the holder thereof is unable (whether by reason of absence or infirmity of mind or body or any other cause) to perform the functions of that office.

(7) References in this Constitution to the power to remove a public officer from his office shall be construed as including references to any power conferred by any law to require or permit that officer to retire from the public service:

Provided that nothing in this subsection shall be construed as conferring on any person or authority power to require a judge of the Court of Appeal or the High Court, the Auditor-General or the Attorney-General to retire from the public service.

(8) Any provision in this Constitution that vests in any person or authority power to remove any public officer from his office shall be without prejudice to the power of any person or authority to abolish any office or to any law providing for the compulsory retirement of public officers generally or in any class of public officer on attaining an age specified therein.

(9) Where power is vested by this Constitution in any person or authority to appoint any person to act in or perform the functions of any office if the holder thereof is himself unable to perform those functions, no such appointment shall be called in question on the ground that the holder of the office was not unable to perform those functions.

(10) No provision of this Constitution that any person or authority shall not be subject to the direction or control of any other person or authority in the exercise of any functions under this Constitution shall be construed as precluding a court of law from exercising jurisdiction in relation to any question whether that person or authority has performed those functions in accordance with this Constitution or any other law.

(11) Where any power is conferred by this Constitution to make any Act, order, regulation or rule, or to give any direction or instruction, the power shall be construed as including the power, exercisable in like manner to amend or revoke any such Act, order, regulation, rule, direction or instruction.

(12) Any reference in this Constitution to a law made before 30th September, 1966 shall be construed as a reference to that law as it had effect on 29th September, 1966.

S.I. 51/1993. (13) The Cap. 01:04 Interpretation Act, 1889 shall apply, with the necessary adaptations, for the purpose of interpreting this Constitution and otherwise in relation thereto as it applies for the purpose of interpreting and in relation to Acts of the Parliament of the United Kingdom.

SCHEDULE TO THE CONSTITUTION

ELECTION OF SPECIALLY ELECTED MEMBERS OF

## THE NATIONAL ASSEMBLY

(Section 58(2)(b))

1. (1) In this Schedule—

"by-election" means an election to fill a vacancy among the Specially Elected Members occurring otherwise than upon a dissolution of Parliament;

"general election" means an election to fill the vacancies among the Specially Elected Members occurring upon a dissolution of Parliament;

"the Speaker" means the Speaker of the National Assembly; and

"prescribed" means prescribed by rules made under paragraph 2 of this Schedule.

(2) At any time when the office of Speaker is vacant or the holder of that office is unable by reason of absence or illness to exercise the functions vested in him by this Schedule those functions may be exercised by the Deputy Speaker of the National Assembly or, if there is no Deputy Speaker or the Deputy Speaker is unable by reason of absence or illness to exercise those functions, by such Member of the Assembly (not being the President or Vice-President or a Minister or Assistant Minister) as the Assembly may elect for that purpose.

2. Subject to the provisions of this Schedule the National Assembly may make rules for the election of its Specially Elected Members.

3. Elections of Specially Elected Members shall be conducted by the Speaker and, subject to the provisions of this Schedule and of any rules made under paragraph 2 thereof, shall be conducted in such manner as he may direct.

4. (1) The President shall nominate four candidates for election in the case of a general election and he shall nominate one candidate for election in the case of a by-election.

(2) The names of the four candidates or, as the case may be, the name of the one candidate nominated for election by the President under the foregoing subparagraph shall be presented to the National Assembly in such manner as may be prescribed, and any Elected Member of the Assembly (other than the President if he is an Elected Member) shall thereupon be entitled to nominate four candidates for election in the case of a general election and one candidate for election in the case of a by-election.

(3) A list of the candidates nominated for election by the President and the Elected Members of the National Assembly under the foregoing provisions of this paragraph shall be prepared, and each Elected Member of the Assembly shall be entitled to vote—

(a) in the case of a general election, for four candidates; and

(b) in the case of a by-election, for one candidate,

on the list so constituted.

(4) The vote of every Elected Member of the National Assembly shall be given by ballot in such a manner as not to disclose how he has voted.

(5) An Elected Member of the National Assembly shall not cast more than one vote for any one candidate.

5. (1) The Speaker shall cause elections of Specially Elected Members to be held—

(a) in the case of a general election, as soon as practicable after the holding of a general election of the Elected Members of the National Assembly and before the Assembly first meets after that general election; and

(b) in the case of a by-election, as soon as practicable after a vacancy has occurred among the Specially Elected Members.

(2) A meeting of the Elected Members of the National Assembly that is held for the purpose of a general election shall be summoned by the Speaker.

(3) No other business than the holding of a general election may be transacted at any meeting of the Elected Members of the National Assembly summoned under subparagraph (2) of this paragraph and such a meeting shall not be regarded as a meeting of the Assembly for the purposes of any other provision of this Constitution.

6. When the votes have been cast, whether at a general election or at a by-election, a list shall be prepared showing the persons for whom votes have been cast in order according to the number of votes received by each of them, the person or persons who received the highest number of votes being placed first and those who received any lower number of votes being placed in descending order.

7. In the case of a general election, and subject to the provisions of paragraph 9 of this Schedule, those persons shall be deemed to have been elected as Specially Elected Members who stand in the first and each succeeding place on the list until the number of persons to be elected as Specially Elected Members has been completed.

8. In the case of a by-election, and subject to the provisions of paragraph 10 of this Schedule, the person who stands in the first place on the list shall be deemed to have been elected.

9. Where, by reason of an equality of votes between them, the number of candidates in any place on the list who would otherwise be deemed to have been elected under paragraph 7 of this Schedule exceeds the number of persons remaining to be elected as Specially Elected Members after the persons in the preceding places have been elected, none of the candidates in that place or in any succeeding place shall be deemed to have been elected and a further election shall be held to fill the vacancies still remaining among the Specially Elected Members; and the provisions of this Schedule shall apply in relation to that further election as if it were a general election where the total number of Specially Elected Members was equal to the number of vacancies still remaining to be filled.

10. Where, in a by-election, two or more candidates equally receive the highest number of votes, no candidates shall be deemed to have been elected and a further by-election shall be held, in accordance with the provisions of this Schedule, at which only those candidates who received the highest number of votes in the original by-election may again stand as candidates.

## VITA

Eric Drummond Smith was born in Bluefield, West Virginia in March of 1976. He graduated *magna cum laude* from Emory & Henry College in 1998 with majors in political science, art, and geography with honors in all three disciplines. His honors thesis in political science, *On War: A Study of War and Warfare* was an attempt to develop a series of Platonic definitions of war and its sub-types, particularly emphasizing their relationships and differences, believing that a universal taxonomy is necessary before the study of said subject achieves its potential heights. His thesis for geography, *A Neo-Malthusian Treatment of Desertification and Dessication*, analyzed desertification and desiccation as human-induced phenomena, utilizing neo-Malthusian theories to explain how Malthusian cycles in steppe climates have linear and permanent consequences, and his honors art show was an attempt to explore himself as a human from the perspectives of every major discipline of social science.

In 2000 Smith graduated from the University of Virginia in Charlottesville with a Masters Degree in East Asian Studies, having concentrated on Chinese politics, history, and political philosophy of the Zhou Dynasty. His thesis, *Symbolism and Iconography of the Beijing Review: 1970-1990* was an attempt to determine if major propaganda organs of authoritarian states could be used to predict internal political problems, economic crises, and/or changes in policy.

Following his graduation Smith worked for a year as a tutor and GED instructor at a small high school in Tazewell, Virginia, as well as a professor at a small two-year institution in Bluefield, Virginia. The following fall he began work on his PhD at the University of Tennessee in Knoxville. There he taught as a teaching assistant from 2000 until 2005, when he began teaching as an adjunct professor at Maryville College and later at Tusculum College. He passed his comprehensive examinations in August of 2004 in international relations (emphasizing the study of war and warfare) and comparative politics (emphasizing the politics of development and democratization).

On November 4<sup>th</sup>, 2006 Smith married Sarah Marie Surak, who has a Masters in Public Administration from the University of Tennessee, Knoxville and who will begin work on a PhD this Autumn. She is currently an administrator in the University's Facilities Services Department.

After his hooding, Smith hopes to become a professor at a small, Appalachian liberal arts institution as well as a part-time advisor on developmental and foreign policy issues. His future research plans include analyzing Vladimir Putin's development policies to determine if they are semi-authoritarian or neo-fascist in structure, developing his taxonomy of political states, expanding two-stage model of radical, extraordinary politics to other states and regions, and performing a study of refugee camps, their characteristics, and their relation to radical, extraordinary politics.